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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- DOMESTIC ASSAULT

Introduced By: Senators Tikoian, McKenney, Patalano, Appollonio, Dimitri, Thompson,
and Raptakis
Date Introduced: June 13, 2025
Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Section 8-8.1-3 of the General Laws in Chapter 8-8.1 entitled "Domestic
2 Assault" is hereby amended to read as follows:
- 3 **8-8.1-3. Protective orders — Penalty — Jurisdiction.**
- 4 (a) A person suffering from domestic abuse may file a complaint in the district court
5 requesting any order that will protect them from the abuse, including, but not limited to, the
6 following:
- 7 (1) Ordering that the defendant be restrained and enjoined from contacting, assaulting,
8 molesting, or otherwise interfering with the plaintiff at home, on the street, or elsewhere;
- 9 (2) Ordering the defendant to vacate the household forthwith, unless the defendant holds
10 sole legal interest in the household;
- 11 (3) Upon motion by the plaintiff, the plaintiff's address shall be released only at the
12 discretion of the district court judge;
- 13 (4) Ordering the defendant to surrender physical possession of all firearms in his or her
14 possession, care, custody, or control and shall further order a person restrained not to purchase or
15 receive, or attempt to purchase or receive, any firearms while the protective order is in effect. The
16 defendant shall surrender the firearms within twenty-four (24) hours of notice of the protective
17 order to the Rhode Island state police or local police department or to a federally licensed firearms
18 dealer.
- 19 (i) A person ordered to surrender possession of any firearm(s) pursuant to this section shall,

1 within seventy-two (72) hours after being served with the order, either:

2 (A) File with the court a receipt showing the firearm(s) was physically surrendered to the

3 Rhode Island state police or local police department, or to a federally licensed firearm dealer; or

4 (B) Attest to the court that, at the time of the order, the person had no firearms in their

5 immediate physical possession or control, or subject to their immediate physical possession or

6 control, and that the person, at the time of the attestation, has no firearms in their immediate

7 physical possession or control or subject to their immediate physical possession or control.

8 (ii) If a person restrained under this section transfers a firearm(s) to a federally licensed

9 firearms dealer pursuant to this section, the person restrained under this section may instruct the

10 federally licensed firearms dealer to sell the firearm(s) or to transfer ownership in accordance with

11 state and federal law, to a qualified named individual who is not a member of the person's dwelling

12 house, who is not related to the person by blood, marriage, or relationship as defined by § 15-15-

13 1(7), and who is not prohibited from possessing firearms under state or federal law. The owner of

14 any firearm(s) sold shall receive any financial value received from its sale, less the cost associated

15 with taking possession of, storing, and transferring of the firearm(s).

16 (iii) Every individual to whom possession of a firearm(s) is transferred pursuant to this

17 subsection shall be prohibited from transferring or returning any firearm(s) to the person restrained

18 under this section while the protective order remains in effect and shall be informed of this

19 prohibition. Any knowing violation of this subsection is a felony that shall be punishable by a fine

20 of not more than one thousand dollars (\$1,000), or by imprisonment for a term of not less than one

21 year and not more than five (5) years, or both.

22 (iv) An individual to whom possession of a firearm(s) is transferred pursuant to this

23 subsection shall return a firearm(s) to the person formerly restrained under this section only if the

24 person formerly restrained under this section provides documentation issued by a court indicating

25 that the restraining order issued pursuant to this section that prohibited the person from purchasing,

26 carrying, transporting, or possessing firearms has expired and has not been extended.

27 (b) After notice to the respondent and after a hearing, which shall be held within fifteen

28 (15) days of surrendering said firearms, the court, in addition to any other restrictions, may, for any

29 protective order issued or renewed on or after July 1, 2017, continue the order of surrender, and

30 shall further order a person restrained under this section not to purchase or receive, or attempt to

31 purchase or receive, any firearms while the protective order is in effect.

32 (c) The district court shall provide a notice on all forms requesting a protective order that

33 a person restrained under this section shall be ordered pursuant to § 11-47-5, to surrender

34 possession or control of any firearms and not to purchase or receive, or attempt to purchase or

1 receive, any firearms while the restraining order is in effect. The form shall further provide that any
2 person who has surrendered their firearms shall be afforded a hearing within fifteen (15) days of
3 surrendering their firearms.

4 (d) Any firearm surrendered in accordance with this section to the Rhode Island state police
5 or local police department shall be returned to the person formerly restrained under this section
6 upon their request when:

7 (1) The person formerly restrained under this section produces documentation issued by a
8 court indicating that the restraining order issued pursuant to this section that prohibited the person
9 from purchasing, carrying, transporting, or possessing firearms has expired and has not been
10 extended; and

11 (2) The law enforcement agency in possession of the firearms determines that the person
12 formerly restrained under this section is not otherwise prohibited from possessing a firearm under
13 state or federal law.

14 (3) The person required to surrender his or her firearms pursuant to this section shall not
15 be responsible for any costs of storage of any firearms surrendered pursuant to this section.

16 (e) The Rhode Island state police are authorized to develop rules and procedures pertaining
17 to the storage and return of firearms surrendered to the Rhode Island state police or local police
18 departments pursuant to this section. The Rhode Island state police may consult with the Rhode
19 Island Police Chiefs' Association in developing rules and procedures.

20 (f) Nothing in this section shall be construed to limit, expand, or in any way modify orders
21 issued under § 12-29-4 or § 15-5-19.

22 (g) Nothing in this section shall limit a defendant's right under existing law to petition the
23 court at a later date for modification of the order.

24 (h) The court shall immediately notify the person suffering from domestic abuse whose
25 complaint gave rise to the protective order and the law enforcement agency where the person
26 restrained under this section resides of the hearing.

27 (i) The person suffering from domestic abuse, local law enforcement, and the person
28 restrained under this section shall all have an opportunity to be present and to testify when the court
29 considers the petition.

30 (j) At the hearing, the person restrained under this section shall have the burden of showing,
31 by clear and convincing evidence, that, if their firearm rights were restored, they would not pose a
32 danger to the person suffering from domestic abuse or to any other person.

33 (1) In determining whether to restore a person's firearm rights, the court shall examine all
34 relevant evidence, including, but not limited to: the complaint seeking a protective order; the

1 criminal record of the person restrained under this section; the mental health history of the person
2 restrained under this section; any evidence that the person restrained under this section has, since
3 being served with the order, engaged in violent or threatening behavior against the person suffering
4 from domestic abuse or any other person.

5 (2) If the court determines, after a review of all relevant evidence and after all parties have
6 had an opportunity to be heard, that the person restrained under this section would not pose a danger
7 to the person suffering from domestic abuse or to any other person if the person's firearm rights
8 were restored, then the court may grant the petition and modify the protective order and lift the
9 firearm prohibition.

10 (3) If the court lifts a person's firearms prohibition pursuant to this subsection, the court
11 shall issue the person written notice that the person is no longer prohibited under this section from
12 purchasing or possessing firearms while the protective order is in effect.

13 (k) The prohibition against possessing a firearm(s) due solely to the existence of a domestic
14 violence restraining order issued under this section shall not apply with respect to sworn peace
15 officers as defined in § 12-7-21 and active members of military service, including members of the
16 reserve components thereof, who are required by law or departmental policy to carry departmental
17 firearms while on duty or any person who is required by their employment to carry a firearm in the
18 performance of his or her duties. Any individual exempted pursuant to this exception may possess
19 a firearm only during the course of his or her employment. Any firearm required for employment
20 must be stored at the place of employment when not being possessed for employment use; all other
21 firearm(s) must be surrendered in accordance with this section.

22 (l) Any violation of the aforementioned protective order shall subject the defendant to being
23 found in contempt of court.

24 (m) No order shall issue under this section that would have the effect of compelling a
25 defendant who has the sole legal interest in a residence to vacate that residence.

26 (n) The contempt order shall not be exclusive and shall not preclude any other available
27 civil or criminal remedies. Any relief granted by the court shall be for a fixed period of time not to
28 exceed three (3) years, at the expiration of which time the court may extend any order upon motion
29 of the plaintiff for such additional time as it deems necessary to protect the plaintiff from abuse.
30 The court may modify its order at any time upon motion of either party.

31 (o) Any violation of a protective order under this chapter of which the defendant has actual
32 notice shall be a misdemeanor that shall be punished by a fine of no more than one thousand dollars
33 (\$1,000) or by imprisonment for not more than one year, or both. Beginning July 1, 2025, said
34 violation shall be prosecuted by an attorney appointed by the prosecuting authority who shall self-

1 certify that they have successfully completed a specialized domestic violence prosecution training
2 course and updated training every four (4) years thereafter, aligned with national best practices and
3 eligible for continuing legal education credit(s) as approved by the Rhode Island Bar Association.

4 (p) Beginning July 1, 2025, said violation shall, at the initial appearance, be presented by
5 a member of a law enforcement agency and/or prosecuted by an attorney appointed by the
6 prosecuting authority all of whom shall self-certify that they have successfully completed a
7 specialized domestic violence prosecution training course and updated training every four (4) years
8 thereafter, aligned with national best practices and eligible for continuing legal education credit(s)
9 as approved by the Rhode Island Bar Association.

10 ~~(p)~~(q) The penalties for violation of this section shall also include the penalties provided
11 under § 12-29-5.

12 ~~(p)~~(r) “Actual notice” means that the defendant has received a copy of the order by service
13 thereof or by being handed a copy of the order by a police officer pursuant to § 8-8.1-5(d).

14 ~~(p)~~(s) The district court shall have criminal jurisdiction over all violations of this chapter.

15 SECTION 2. Section 12-29-4 of the General Laws in Chapter 12-29 entitled "Domestic
16 Violence Prevention Act" is hereby amended to read as follows:

17 **12-29-4. Restrictions upon and duties of court.**

18 (a)(1) Because of the likelihood of repeated violence directed at those who have been
19 victims of domestic violence in the past, when a person is charged with or arrested for a crime
20 involving domestic violence, that person may not be released from custody on bail or personal
21 recognizance before arraignment without first appearing before the court or bail commissioner. The
22 court or bail commissioner authorizing release shall issue a no-contact order prohibiting the person
23 charged or arrested from having contact with the victim.

24 (2) At the time of arraignment or bail hearing the court or bail commissioner shall
25 determine whether a no-contact order shall be issued or extended.

26 (3) Willful violation of a court order issued under subdivision (1), (2), or as part of
27 disposition of this subdivision of this subsection is a misdemeanor. Beginning July 1, 2025, said
28 violation shall be prosecuted by an attorney appointed by the prosecuting authority who shall self-
29 certify that they have successfully completed a specialized domestic violence prosecution training
30 course and updated training every four (4) years thereafter, aligned with national best practices and
31 eligible for continuing legal education credit(s) as approved by the Rhode Island Bar Association.
32 The written order releasing the person charged or the written order issued at the time of disposition
33 shall contain the court’s directive and shall bear the legend: “Violation of this order is a criminal
34 offense under this section and will subject a violator to arrest”. A copy of the order shall be provided

1 to the victim.

2 (4) Beginning July 1, 2025, said violation shall, at the initial appearance, be presented by
3 a member of a law enforcement agency and/or prosecuted by an attorney appointed by the
4 prosecuting authority all of whom shall be prosecuted by an attorney appointed by the prosecuting
5 authority who shall self-certify that they have successfully completed a specialized domestic
6 violence prosecution training course and updated training every four (4) years thereafter, aligned
7 with national best practices and eligible for continuing legal education credit(s) as approved by the
8 Rhode Island Bar Association. The written order releasing the person charged or the written order
9 issued at the time of disposition shall contain the court's directive and shall bear the legend:
10 "Violation of this order is a criminal offense under this section and will subject a violator to arrest".
11 A copy of the order shall be provided to the victim.

12 ~~(4)~~(5) Whenever an order prohibiting contact is issued, modified, or terminated under
13 subdivision (1), (2) or (3) of this subsection, the clerk of the court shall forward a copy of the order
14 on or before the next judicial day to the appropriate law enforcement agency specified in the order.

15 (b) Because of the serious nature of domestic violence, the court in domestic violence
16 actions:

17 (1) Shall not dismiss any charge or delay disposition because of concurrent dissolution of
18 marriage or other civil proceedings;

19 (2) Shall not require proof that either party is seeking a dissolution of marriage prior to
20 instigation of criminal proceedings;

21 (3) Shall identify by reasonable means on docket sheets those criminal actions arising from
22 acts of domestic violence; and

23 (4) Shall make clear to the defendant and victim that the prosecution of the domestic
24 violence action is determined by the prosecutor and not the victim.

25 (c) To facilitate compliance with the provisions of this section, the district court shall assure
26 that the misdemeanor and felony complaint forms indicate whether the crime charged involves
27 domestic violence and, if so, the relationship of the victim and defendant.

28 (d) Notwithstanding the provisions of § 12-10-12, the filing of any complaint for a crime
29 involving domestic violence shall be conditioned upon the defendant keeping the peace and being
30 of good behavior for a period of three (3) years. In the event a particular case involving domestic
31 violence is filed on a plea of not guilty, guilty or nolo contendere pursuant to § 12-10-12, the court
32 having jurisdiction shall retain the records of the case for a period of three (3) years from the date
33 of the filing. These records shall not be expunged, sealed, or otherwise destroyed for a period of
34 three (3) years from the date of filing. Furthermore, the destruction or sealing of records in the

1 possession of the department of attorney general bureau of criminal identification, the
2 superintendent of the state police, or the police departments of any city or town after a filing related
3 to a crime involving domestic violence shall be governed by § 12-1-12.

4 SECTION 3. Section 15-15-3 of the General Laws in Chapter 15-15 entitled "Domestic
5 Abuse Prevention" is hereby amended to read as follows:

6 **15-15-3. Protective orders — Penalty — Jurisdiction.**

7 (a) A person, or a parent, custodian, or legal guardian on behalf of a minor child or the
8 director of the department of children, youth and families ("DCYF") or its designee for a child in
9 the custody of DCYF, pursuant to §§ 40-11-7 and 40-11-7.1, suffering from domestic abuse or
10 sexual exploitation as defined in § 15-15-1, may file a complaint in the family court requesting any
11 order that will protect and support her or him from abuse or sexual exploitation, including, but not
12 limited to, the following:

13 (1) Ordering that the defendant be restrained and enjoined from contacting, assaulting,
14 molesting, sexually exploiting, or interfering with the plaintiff at home, on the street, or elsewhere,
15 whether the defendant is an adult or a minor;

16 (2) Ordering the defendant to vacate the household immediately, and further providing in
17 the order for the safety and welfare of all household animals and pets;

18 (3) Awarding the plaintiff custody of the minor children of the parties, if any;

19 (4) Ordering the defendant to surrender physical possession of all firearms in his or her
20 possession, care, custody, or control and shall further order a person restrained not to purchase or
21 receive, or attempt to purchase or receive, any firearms while the protective order is in effect. The
22 defendant shall surrender said firearms within twenty-four (24) hours of notice of the protective
23 order to the Rhode Island state police or local police department or to a federally licensed firearms
24 dealer.

25 (i) A person ordered to surrender possession of any firearm(s) pursuant to this section shall,
26 within seventy-two (72) hours after being served with the order, either:

27 (A) File with the court a receipt showing the firearm(s) was physically surrendered to the
28 Rhode Island state police or local police department, or to a federally licensed firearms dealer; or

29 (B) Attest to the court that, at the time of the order, the person had no firearms in his or her
30 immediate physical possession or control, or subject to their immediate physical possession or
31 control, and that the person, at the time of the attestation, has no firearms in their immediate
32 physical possession or control, or subject to their immediate physical possession or control.

33 (ii) If a person restrained under this section transfers a firearm(s) to a federally licensed
34 firearms dealer pursuant to this section, the person restrained under this section may instruct the

1 federally licensed firearms dealer to sell the firearm(s) or to transfer ownership, in accordance with
2 state and federal law, to a qualified named individual who is not a member of the person's dwelling
3 house, who is not related to the person by blood, marriage, or relationship as defined by § 15-15-
4 1(7), and who is not prohibited from possessing firearms under state or federal law. The owner of
5 any firearm(s) sold shall receive any financial value received from its sale, less the cost associated
6 with taking possession of, storing, and transferring of the firearm(s).

7 (iii) Every individual to whom ownership of a firearm(s) is transferred pursuant to this
8 subsection shall be prohibited from transferring or returning any firearm(s) to the person restrained
9 under this section while the protective order remains in effect and shall be informed of this
10 prohibition, Any knowing violation of this subsection is a felony that shall be punishable by a fine
11 of not more than one thousand dollars (\$1,000), or by imprisonment for a term of not less than one
12 year and not more than five (5) years, or both.

13 (iv) An individual to whom ownership of a firearm(s) is transferred pursuant to this
14 subsection shall return a firearm(s) to the person formerly restrained under this section only if the
15 person formerly restrained under this section provides documentation issued by a court indicating
16 that the restraining order issued pursuant to this section that prohibited the person from purchasing,
17 carrying, transporting, or possessing firearms has expired and has not been extended;

18 (5) After notice to the respondent and a hearing, ordering either party to make payments
19 for the support of a minor child or children of the parties as required by law for a period not to
20 exceed ninety (90) days, unless the child support order is for a child or children receiving public
21 assistance pursuant to chapter 5.1 of title 40 [repealed]. In these cases, legal counsel for the division
22 of taxation, child support enforcement, shall be notified as a party in interest to appear for the
23 purpose of establishing a child support order under a new or existing docket number previously
24 assigned to the parties and not under the protective docket number. The child support order shall
25 remain in effect until the court modifies or suspends the order.

26 (b) After notice to the respondent and a hearing, which shall be held within fifteen (15)
27 days of surrendering said firearms, the court, in addition to any other restrictions, may, for any
28 protective order issued after or renewed on or after July 1, 2017, continue the order of surrender,
29 and shall further order a person restrained under this section not to purchase or receive, or attempt
30 to purchase or receive, any firearms while the protective order is in effect.

31 (c) The family court shall provide a notice on all forms requesting a protective order that a
32 person restrained under this section shall be ordered pursuant to § 11-47-5 to surrender possession
33 of any firearms while the protective order is in effect. The form shall further provide that any person
34 who has surrendered his or her firearms shall be afforded a hearing within fifteen (15) days of

1 surrendering his or her firearms.

2 (d) Any firearm surrendered in accordance with this section to the Rhode Island state police
3 or local police department shall be returned to the person formerly restrained under this section
4 upon the person's request when:

5 (1) The person formerly restrained under this section produces documentation issued by a
6 court indicating that the restraining order issued pursuant to this section that prohibited the person
7 from purchasing, carrying, transporting, or possessing firearms has expired and has not been
8 extended; and

9 (2) The law enforcement agency in possession of the firearms determined that the person
10 formerly restrained under this section is not otherwise prohibited from possessing a firearm under
11 state or federal law.

12 (3) The person required to surrender their firearms pursuant to this section shall not be
13 responsible for any costs of storage of any firearms surrendered pursuant to this section.

14 (e) The Rhode Island state police are authorized to develop rules and procedures pertaining
15 to the storage and return of firearms surrendered to the Rhode Island state police or local police
16 departments pursuant to this section. The Rhode Island state police may consult with the Rhode
17 Island Police Chiefs' Association in developing rules and procedures.

18 (f) Nothing in this section shall be construed to limit, expand, or in any way modify orders
19 issued under § 12-29-7 or § 15-5-19.

20 (g) Nothing in this section shall limit a defendant's right under existing law to petition the
21 court at a later date for modification of the order.

22 (h) The court shall immediately notify the person suffering from domestic abuse whose
23 complaint gave rise to the protective order, and the law enforcement agency where the person
24 restrained under this section resides, of the hearing.

25 (i) The person suffering from domestic abuse, local law enforcement, and the person
26 restrained under this section shall all have an opportunity to be present and to testify when the court
27 considers the petition.

28 (j) At the hearing, the person restrained under this section shall have the burden of showing,
29 by clear and convincing evidence, that, if his or her firearm rights were restored, he or she would
30 not pose a danger to the person suffering from domestic abuse or to any other person.

31 (1) In determining whether to restore a person's firearm rights, the court shall examine all
32 relevant evidence, including, but not limited to: the complaint seeking a protective order; the
33 criminal record of the person restrained under this section; the mental health history of the person
34 restrained under this section; any evidence that the person restrained under this section has, since

1 being served with the order, engaged in violent or threatening behavior against the person suffering
2 from domestic abuse or any other person.

3 (2) If the court determines, after a review of all relevant evidence and after all parties have
4 had an opportunity to be heard, that the person restrained under this section would not pose a danger
5 to the person suffering from domestic abuse or to any other person if their firearm rights were
6 restored, then the court may grant the petition and modify the protective order and lift the firearm
7 prohibition.

8 (3) If the court lifts a person's firearms prohibition pursuant to this subsection, the court
9 shall issue the person written notice that the person is no longer prohibited under this section from
10 purchasing or possessing firearms while the protective order is in effect.

11 (k) The prohibition against possessing a firearm(s) due solely to the existence of a domestic
12 violence restraining order issued under this section shall not apply with respect to sworn peace
13 officers as defined in § 12-7-21 and active members of military service, including members of the
14 reserve components thereof, who are required by law or departmental policy to carry departmental
15 firearms while on duty or any person who is required by their employment to carry a firearm in the
16 performance of their duties. Any individual exempted pursuant to this exception may possess a
17 firearm only during the course of their employment. Any firearm required for employment must be
18 stored at the place of employment when not being possessed for employment use; all other
19 firearm(s) must be surrendered in accordance with this section.

20 (l) Upon motion by the plaintiff, the plaintiff's address shall be released only at the
21 discretion of the family court judge.

22 (m)(1) Any violation of the protective orders in subsection (a) of this section shall subject
23 the defendant to being found in contempt of court.

24 (2) The contempt order shall not be exclusive and shall not preclude any other available
25 civil or criminal remedies. Any relief granted by the court shall be for a fixed period of time not to
26 exceed three (3) years, at the expiration of which time the court may extend any order, upon motion
27 of the plaintiff, for any additional time, that it deems necessary to protect the plaintiff from abuse.
28 The court may modify its order at any time upon motion of either party.

29 (n)(1) Any violation of a protective order under this chapter of which the defendant has
30 actual notice shall be a misdemeanor that shall be punished by a fine of no more than one thousand
31 dollars (\$1,000) or by imprisonment for not more than one year, or both. Beginning July 1, 2025,
32 said violation shall be prosecuted by an attorney appointed by the prosecuting authority who shall
33 self-certify that they have successfully completed a specialized domestic violence prosecution
34 training course and updated training every four (4) years thereafter, aligned with national best

1 practices and eligible for continuing legal education credit(s) as approved by the Rhode Island Bar
2 Association.

3 (2) The penalties for violation of this section shall also include the penalties as provided
4 by § 12-29-5.

5 (o) Beginning July 1, 2025, said violation shall, at the initial appearance, be presented by
6 a member of a law enforcement agency and/or prosecuted by an attorney appointed by the
7 prosecuting authority all of whom shall self-certify that they have successfully completed a
8 specialized domestic violence prosecution training course and updated training every four (4) years
9 thereafter, aligned with national best practices and eligible for continuing legal education credit(s)
10 as approved by the Rhode Island Bar Association.

11 ~~(p)~~(p) Actual notice means that the defendant has received a copy of the order by service
12 or by being handed a copy of the order by a police officer pursuant to § 15-15-5(d).

13 ~~(q)~~(q) (1) The district court shall have criminal jurisdiction over all adult violations of this
14 chapter.

15 (2) The family court shall have jurisdiction over all juvenile violations of this chapter.

16 SECTION 4. This act shall take effect on July 1, 2025.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- DOMESTIC ASSAULT

1 This act would provide that, effective July 1, 2025, any law enforcement officer who
2 appears before the court at an initial appearance for prosecution of any violation of a protective
3 order shall have self-certified that the officer has successfully completed a specialized domestic
4 violence prosecution training course.

5 This act would take effect on July 1, 2025.

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