

2026 -- H 7352

LC004433

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT--THE RHODE ISLAND CIVIL RIGHTS ENFORCEMENT ACT

Introduced By: Representatives McEntee, Craven, O'Brien, Potter, Cruz, Stewart, and Giraldo

Date Introduced: January 28, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 112.1

4 THE RHODE ISLAND CIVIL RIGHTS ENFORCEMENT ACT

5 **42-112.1-1. Short title.**

6 This chapter shall be known and may be cited as the "Rhode Island Civil Rights
7 Enforcement Act."

8 **42-112.1-2. Purpose.**

9 It is the dual purpose of this chapter to ensure that:

10 (1) Consistent with the admonition contained in Article 1, Section 5 of the Constitution of
11 the State of Rhode Island, every right shall have a remedy; and

12 (2) As between an innocent party whose rights have been violated by acts and/or omissions
13 of a governmental entity, as defined in this chapter, and/or agents thereof, it is the governmental
14 entity and/or agents thereof that shall bear the cost of any harm caused by such violation of rights,
15 not the innocent party.

16 **42-112.1-3. Definition.**

17 As used in this chapter:

18 (1) "Aggrieved party" means a resident of the State of Rhode Island or other individual

1 within the State of Rhode Island subjected to the deprivation of any rights, privileges or immunities
2 secured by the Constitution of the State of Rhode Island or the Constitution and laws of the United
3 States in a manner proscribed by this chapter.

4 (2) "Governmental entity" means the State of Rhode Island or any of its political or
5 administrative subdivisions, including any municipal, quasi-municipal, or quasi-state entity, and
6 any state of the United States, the United States, or a foreign nation state including any political or
7 administrative subdivisions of any of the foregoing entities.

8 **42-112.1-4. Cause of action.**

9 (a) Every person who, under color of any statute, ordinance, regulation, custom or usage
10 of a governmental entity subject, or causes to be subjected, any resident of the State of Rhode Island
11 or other individual within the State of Rhode Island to the deprivation of any rights, privileges or
12 immunities secured by the Constitution of the State of Rhode Island or the Constitution and laws
13 of the United States, shall be liable to the aggrieved party in an action at law, suit in equity, and/or
14 other proper proceeding for redress, provided nothing herein shall abrogate any existing immunities
15 of any person liable for a violation under this subsection nor any entitlement to indemnification as
16 provided under §§ 45-15-16, 9-31-8 through 9-31-12, or any other applicable law.

17 (b) A governmental entity shall be liable for any harm caused to an aggrieved party
18 subjected to a deprivation proscribed under subsection (a) of this section if the person that caused
19 the deprivation was acting within the scope of their employment, agency or other authority or color
20 of law conferred by the governmental entity, regardless of any immunities from liability from suit
21 that such person may have and regardless of any governmental or sovereign immunities of the State
22 of Rhode Island or any political or administrative subdivision thereof, which said immunities are
23 hereby expressly waived as to the State of Rhode Island and its political or administrative,
24 subdivisions; provided, that nothing in this chapter abrogates judicial or legislative immunity.

25 (c) In any action brought under this chapter, an aggrieved party subjected to a deprivation
26 proscribed under subsection (a) of this section need not identify or join as a party the person or
27 persons who caused the deprivation and may bring an action under this chapter solely against the
28 governmental entity liable for the deprivation under subsection (b) of this section.

29 (d) A governmental entity shall also be liable for any harm sustained by an aggrieved party
30 that was caused by any statute, ordinance, regulation, custom, or usage of that governmental entity.

31 **42-112.1-5. Remedies.**

32 (a) An aggrieved party subjected to a deprivation proscribed under this chapter shall be
33 entitled to all the rights and remedies available at law and equity including, but not limited to,
34 declaratory and injunctive relief and compensatory and punitive damages; provided, that neither

1 the State of Rhode Island nor any of its political or administrative subdivisions shall be liable under
2 § 42-112.1-4 (b) through (d) for:

3 (1) Punitive damages; or

4 (2) Compensatory damages in excess of five hundred thousand dollars (\$500,000.00).

5 (b) The compensatory damages limitation provided in § 42-112.1-5(a) shall not apply if a
6 court determines the conduct causing the deprivation prohibited hereunder was intentional, willful,
7 or malicious or committed in reckless disregard of the rights of the aggrieved party or was
8 committed during the course of performance of a proprietary function of the governmental entity.
9 The general assembly may by special act, either before or after entry of judgment or other resolution
10 of a claim brought hereunder, authorize in a particular case that damages may be recovered in
11 excess of the limitations imposed by subsection (a) of this section.

12 (c) On January 31, 2027 and each January 31 thereafter, the compensatory damages
13 limitation provided in § 42-112.1-5(a) shall be adjusted by the percentage increase in the consumer
14 price index for all urban consumers (CPI-U) published by the United States Department of Labor
15 Bureau of Labor Statistics for the Northeast Region for the previous year.

16 (d) In any action brought under this chapter, a prevailing aggrieved party subjected to a
17 deprivation proscribed by this chapter shall also be entitled to an award of reasonable counsel fees
18 and costs.

19 (e) An action under this chapter may be brought in any state or federal court of competent
20 jurisdiction within three (3) years from the date of the deprivation proscribed under this chapter.

21 **42-112.1-6. Enforcement by attorney general.**

22 (a) In addition to a private right of action by an aggrieved party, the attorney general
23 of the State of Rhode Island is also authorized to bring a civil action for a violation of this chapter
24 for injunctive or other appropriate relief at law or equity in order to protect the peaceable exercise
25 or enjoyment of the rights secured hereunder.

26 (b) A civil action under this section shall be brought in the name of and for the state and/or
27 for and on behalf of any person or persons aggrieved by a violation of this chapter and may be
28 brought in any state or federal court of competent jurisdiction.

29 **42-112.1-7. Severability.**

30 If any provision of this chapter or the application of this chapter to any person or
31 circumstances is adjudged by any court of competent jurisdiction to be invalid, this invalidity shall
32 not affect other provisions or applications of this chapter, which can be given effect without the
33 invalid provision or application and to this end the provisions of this chapter are declared to be
34 severable.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT--THE RHODE ISLAND CIVIL
RIGHTS ENFORCEMENT ACT

1 This act would provide a remedy for any harm caused due to a deprivation or violation of
2 rights secured by the Constitution of the State of Rhode Island or the Constitution and laws of the
3 United States due to acts of the State of Rhode Island or any of its political or administrative
4 subdivisions including, but not limited to, any municipal, quasi-municipal, or quasi-state entity,
5 and any state of the United States, the United States, and any nation state, including any political
6 or administrative subdivision thereof. An action seeking a remedy may be brought by the aggrieved
7 person or by the attorney general in the name of and for the state and/or for and on behalf of any
8 person or persons aggrieved by a violation of this chapter.

9 This act would take effect upon passage.

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