

2026 -- H 8368

LC003510

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS -- TOWN OF HOPKINTON
MUNICIPAL COURT

Introduced By: Representatives Kennedy, Cotter, and Azzinaro

Date Introduced: March 27, 2026

Referred To: House Municipal Government & Housing

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-56 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 **45-2-56. Town of Hopkinton — Municipal court.**

4 (a) The town council of the town of Hopkinton may establish a municipal court and confer
5 upon that court original jurisdiction, notwithstanding any other provisions of the general laws, to
6 hear and determine causes involving the violation of any ordinance, including, but not limited to,
7 municipal code violations, animal regulation violations, minimum housing ordinances of the town
8 and any violation of the provisions of chapter 24.3 of this title, entitled the Rhode Island Housing
9 Maintenance and Occupancy Code; and, if but only if, jurisdiction is specifically conferred by a
10 vote of the town council, traffic and parking violations; provided, however, that any defendant
11 found guilty of any offense, excluding violations of the minimum housing ordinances or chapter
12 24.3 within the jurisdiction of the court, may within seven (7) days of the conviction, file an appeal
13 from the conviction to the superior court and be entitled in the latter court to a trial de novo; and
14 provided further, however, that any defendant found guilty of any violation of a minimum housing
15 ordinance or of chapter 24.3, may within seven (7) days of conviction, file an appeal from the
16 conviction to the fourth division of the district court and be entitled to a trial de novo in accordance
17 with subdivision 8-8-3(a)(4) and § 8-8-3.2.

18 (b) With respect to violations of either municipal ordinances dealing with minimum

1 housing or chapter 24.3 et seq., of this title dealing with housing maintenance and occupancy, the
2 town council may also confer upon the municipal court, in furtherance of the court's jurisdiction,
3 the power to proceed according to equity:

- 4 (1) To restrain, prevent, enjoin, abate, or correct a violation;
- 5 (2) To order the repair, vacation, or demolition of any dwelling existing in violation; or
- 6 (3) To otherwise compel compliance with all of the provisions of those ordinances and
7 statutes.

8 (c) The town council of the town of Hopkinton is authorized and empowered to appoint a
9 judge of the municipal court. The judge shall serve for a term of two (2) years, or concurrent with
10 the term of each appointing council. The town council of the town is authorized and empowered to
11 enact ordinances governing the personnel, operation, and procedure to be followed in the court and
12 to establish a schedule of fees and costs, and to otherwise provide for the operation and management
13 of the court. The municipal court may impose sentences not to exceed thirty (30) days in jail and
14 impose fines not in excess of five hundred dollars (\$500), or both. The court is empowered to
15 administer oaths, compel the attendance of witnesses, and punish persons for contempt, and to
16 authorize and execute search warrants to the extent the warrants could be authorized and executed
17 by a justice of the district court.

18 (d) Appellate jurisdiction. Notwithstanding the provisions of subsection (a) of this section,
19 the town council of the town of Hopkinton may, by ordinance confer jurisdiction upon the
20 municipal court to hear and determine appeals from decisions or orders of the chief of the
21 Hopkinton police department related to the return of seized firearms, subject to the following
22 requirements of this subsection:

23 (1) Any person who has exhausted all administrative remedies available to them, and who
24 is aggrieved by a final decision or order of the chief of the Hopkinton police department in
25 connection with the return of seized firearms or related items is entitled to judicial review under
26 this subsection.

27 (2) Proceedings for review are instituted by filing a complaint in the municipal court within
28 thirty (30) days after mailing notice of the final decision or order. Copies of the complaint shall be
29 served upon the Hopkinton police department and all other parties of record in the manner
30 prescribed by applicable procedural rules within ten (10) days after it is filed in municipal court;
31 provided, however, that the time for service may be extended for good cause by order of the
32 municipal court.

33 (3) The filing of the complaint shall not itself stay enforcement of the decision or order.
34 The chief of the Hopkinton police department may grant, or the reviewing court may order, a stay

1 upon the appropriate terms.

2 (4) If, before the date set for the hearing, application is made to the municipal court for
3 leave to present additional evidence, and it is shown to the satisfaction of the municipal court that
4 the additional evidence is material and that there were good reasons for failure to present it as part
5 of the Hopkinton police department's review of the matter, the municipal court may order that the
6 additional evidence be taken by the chief of the Hopkinton police department upon conditions
7 determined by the municipal court. The chief of the Hopkinton police department may modify their
8 findings and decisions by reason of the additional evidence and shall file that evidence and any
9 modifications, new findings, or decisions with the municipal court.

10 (5) The review shall be conducted by the municipal court without a jury and shall be
11 confined to the record. In cases of alleged irregularities in procedure before the town official or
12 agency, not shown in the record, proof thereon may be taken in the municipal court. The municipal
13 court, upon request, shall hear oral arguments and receive written briefs.

14 (6) The municipal court shall not substitute its judgment for that of the chief of the
15 Hopkinton police department as to the weight of the evidence on questions of fact. The municipal
16 court may affirm the decision of the chief of the Hopkinton police department or remand the case
17 for further proceedings, or it may reverse or modify the decision if substantial rights of the appellant
18 have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

19 (i) In violation of constitutional or statutory provisions;

20 (ii) In excess of the statutory authority of the town official or agency;

21 (iii) Made upon unlawful procedure;

22 (iv) Affected by other errors of law;

23 (v) Clearly erroneous in view of the reliable, probative, and substantial evidence on the
24 whole record; or

25 (vi) Arbitrary or capricious or characterized by abuse discretion or clearly unwarranted
26 exercise of discretion.

27 (7) Any party in interest, if aggrieved by a final judgment of the municipal court rendered
28 in proceedings brought under this subsection, may, within twenty (20) days from the date of entry
29 of the judgment, petition the supreme court of the State of Rhode Island for a writ of certiorari to
30 review any questions of law involved. The petition for a writ of certiorari shall set forth the errors
31 claimed. Upon the filing of such a petition with the clerk of the supreme court, the supreme court
32 may, if it sees fit, issue its writ of certiorari to the municipal court to certify to the supreme court
33 the record of the administrative proceeding under review, or so much thereof as was submitted to
34 the municipal court by the parties, together with any additional record of the proceedings in the

1 [municipal court.](#)

2 [\(8\) The provisions of this subsection supersede any common law or discretionary appeal](#)
3 [procedures and replace them with the appeal procedures stated herein as the exclusive right of](#)
4 [appeal.](#)

5 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 TOWNS AND CITIES -- GENERAL POWERS -- TOWN OF HOPKINTON
MUNICIPAL COURT

1 This act would grant to the town council of the town of Hopkinton the authority to adopt
2 an ordinance conferring jurisdiction upon the municipal court to hear and determine appeals from
3 decisions or orders of the chief of the Hopkinton police department related to the return of seized
4 firearms, subject to the requirements of this subsection.

5 This act would take effect upon passage.

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