

LC003706

IN GENERAL ASSEMBLY

RELATING TO CRIMINAL PROCEDURE -- PROTECT OUR COURTS ACT

Referred To: Senate Judiciary

1 SECTION 1. Title 12 of the General Laws entitled "CRIMINAL PROCEDURE" is hereby
2 amended by adding thereto the following chapter:

PROTECT OUR COURTS ACT

12-34-2. Definitions.

(2) “Court proceeding” means any appearance in a court of this state before a judge, justice, or magistrate ordered or scheduled by such judicial officer, or the filing of papers designed to initiate such an appearance.

1 (3) “Family or household member” shall have the same meaning as set forth in § 12-29-2.

2 (4) “Judicial warrant or judicial order authorizing such civil arrest” means an arrest warrant
3 or other judicial order issued by a judicial officer of a local, state, or federal court, authorizing a
4 civil arrest and issued by the court in which proceedings following such arrest will be heard and
5 determined.

6 **12-34-3. Privilege from civil arrest at court proceedings.**

7 (a) A person duly and in good faith attending a court proceeding in which such person is a
8 party or potential witness, or in which a family or household member is a party or potential witness,
9 shall be privileged from civil arrest while going to, remaining at, and returning from the place of
10 such court proceeding, unless such civil arrest is supported by a judicial warrant or judicial order
11 authorizing such civil arrest.

12 (b) It shall constitute contempt of court and false imprisonment for any person to willfully
13 violate § 12-34-3(a), or an order of the court issued pursuant to § 12-34-6, by executing an arrest
14 prohibited by this section or by willfully assisting in such prohibited arrest; provided, however, that
15 nothing in this subsection shall affect any right or defense of any person, law enforcement officer,
16 peace officer, or public officer acting pursuant to lawful authority, or any judicial branch personnel
17 acting lawfully pursuant to their duty to maintain safety and order in the courts.

18 **12-34-4. Civil actions; enforcement.**

19 Regardless of whether a proceeding for contempt of court pursuant to § 12-34-3(b) has
20 been initiated:

21 (1) A person described in § 12-34-3(a) may bring a civil action for appropriate equitable
22 and declaratory relief if such person has reasonable cause to believe that a violation of §§ 12-34-3
23 or 12-34-6 has occurred or may occur; and

24 (2) The attorney general of the State of Rhode Island may bring a civil action in the name
25 of the state to obtain appropriate equitable and declaratory relief if the attorney general has
26 reasonable cause to believe that a violation of §§ 12-34-3 or 12-34-6 has occurred or may occur.

27 (3) In any successful action pursuant to § 12-34-3, a plaintiff or petitioner may recover
28 costs and reasonable attorneys' fees.

29 **12-34-5. Preservation of existing rights.**

30 Nothing in this chapter shall be construed to narrow, limit, or otherwise lessen any common
31 law or statutory right or privilege of a person privileged from arrest under this chapter or otherwise.

32 **12-34-6. Authority of the courts.**

33 In order to maintain access to the courts and open judicial proceedings for all persons in
34 their individual capacity and to prevent interference with the needs of judicial administration, any

1 court of this state shall have the authority to issue appropriate judicial orders to protect the privilege
2 from civil arrest in accordance with this chapter.

3 **12-34-7. Courthouse arrest procedures; rulemaking.**

4 The chief justice of the supreme court, or the court administrator acting under the authority
5 of the chief justice, shall promulgate rules consistent with this chapter to ensure the following:

6 (1) Any representative of a law enforcement agency who, while acting in an official
7 capacity, enters a courthouse of this state intending to observe an individual or take an individual
8 into custody shall identify himself or herself to court security personnel and state the specific law
9 enforcement purpose and proposed enforcement action.

10 (2) Any warrant or judicial order concerning such intended arrest shall be promptly
11 reviewed by appropriate judicial personnel.

12 (3) Except in extraordinary circumstances, no arrest shall be made in a courtroom without
13 leave of the court.

14 (4) No civil arrest shall be executed inside a courthouse of this state except pursuant to a
15 judicial warrant or judicial order authorizing such arrest.

16 (5) An incident or occurrence report shall be filed for every enforcement action taken inside
17 a courthouse.

18 **12-34-8. Limitation on actions against judiciary personnel.**

19 No action or proceeding may be commenced pursuant to this chapter against the judicial
20 branch or any judicial branch personnel acting lawfully pursuant to their duty to maintain safety
21 and order in the courts.

22 **12-34-9. Severability.**

23 If any provision of this chapter or the application thereof to any person or circumstance is
24 held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining
25 provisions or applications of this chapter, and to that end the provisions of this chapter are declared
26 to be severable.

27 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 CRIMINAL PROCEDURE -- PROTECT OUR COURTS ACT

- 1 This act would protect people attending Rhode Island court proceedings from civil arrest
2 without a judicial warrant, ensures court access, sets enforcement rules, and provides remedies for
3 violations.
4 This act would take effect upon passage.

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