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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Introduced By: Senators LaMountain, Dimitri, and Bissaillon

Date Introduced: March 04, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-27-4.1, 31-27-4.3 and 31-27-4.4 of the General Laws in Chapter  
2 31-27 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

3 **31-27-4.1. Eluding a law enforcement officer with a motor vehicle in a high speed**  
4 **pursuit.**

5 Any person who in an attempt to elude or flee from a police officer in an emergency police  
6 vehicle in a high speed pursuit of the person, operates a motor vehicle at speeds greater than fifteen  
7 (15) miles per hour over the speed limit, or who causes property damage only in excess of one  
8 thousand dollars (\$1,000):

9 (1) For the first conviction, may be subject to the following sanctions:

10 (i) Up to one year incarceration at the adult correction institutions (A.C.I.) and a fine of  
11 five hundred dollars (\$500) but not more than one thousand dollars (\$1,000);

12 (ii) License suspension of not less than ninety (90) days but not more than six (6) months  
13 ~~and forfeiture of the motor vehicle.~~

14 (2) For a second or subsequent conviction, the person shall:

15 (i) Be sentenced to two (2) years at the A.C.I., but not more than five (5) years;

16 (ii) Be fined a fine of two thousand dollars (\$2,000) but not more than five thousand dollars  
17 (\$5,000);

18 (iii) Receive a license suspension of not less than one year but not more than five (5) years;

19 and

1 (iv) Forfeit the motor vehicle.

2 **31-27-4.3. Forfeiture of motor vehicle.**

3 (a) Any motor vehicle including, but not limited to, cars, trucks, vessels, or motorcycles,  
4 which has been or is being used in violation of § 31-27-4.1(2), may only be seized ~~and~~ upon  
5 conviction, and pursuant to a court order, forfeited; provided, that no motor vehicle as enumerated  
6 in this section used by any person shall be forfeited under the provisions of this chapter unless it  
7 shall appear that the owner of the vehicle had knowledge, actual or constructive, and was a  
8 consenting party to the alleged illegal act.

9 (b)(1) The motor vehicle taken or detained under this section shall not be repleviable, but  
10 shall be deemed to be in the custody of the law enforcement agency making the seizure. Whenever  
11 a motor vehicle is forfeited under this chapter it shall be retained and utilized by the law  
12 enforcement agency that seized the vehicle where the use of the vehicle is reasonably related to the  
13 law enforcement duties of the seizing agency. If the seized vehicle is inappropriate for use by law  
14 enforcement agency for reasons including, but not limited to, style, size, or color, the seizing agency  
15 shall be allowed to apply the proceeds of sale or the trade-in value of the vehicle towards the  
16 purchase of an appropriate vehicle for use for activities reasonably related to law enforcement  
17 duties.

18 (2) As to the proceeds from the sale of the property under subdivision (1) of this subsection,  
19 the distribution shall be as follows:

20 (i) All proceeds of the forfeiture of the motor vehicle shall be distributed as follows: all  
21 costs of advertising administrative forfeitures and costs for any damage to any state or municipal  
22 vehicles which occurred as a result of the high speed pursuit shall first be deducted from the amount  
23 forfeited. Of the remainder, eighty percent (80%) of the proceeds shall be divided among the state  
24 and local law enforcement agencies proportionately based upon their contribution to the  
25 investigation of the criminal activity related to the asset being forfeited, and twenty percent (20%)  
26 of the proceeds shall be provided to the state victims' indemnity fund.

27 (ii) Each state or local law enforcement agency shall be entitled to keep the proceeds from  
28 sales of forfeited vehicles. The funds shall be used for law enforcement purposes. The funds  
29 received by a state law enforcement agency shall be maintained in a separate account by the general  
30 treasurer. The funds received by a local law enforcement agency shall be maintained in a separate  
31 account by the local agency's city or town treasurer.

32 (c) Each law enforcement agency making any seizure(s) which result(s) in a forfeiture  
33 pursuant to this section shall certify and file with the state treasurer between January 1 and January  
34 30 an annual report detailing the vehicle or money forfeited during the previous calendar year and

1 the use or disposition of the property or money. The report shall be made in the form and manner  
2 that may be provided or specified by the treasurer and the annual law enforcement agency reports  
3 as provided in this subsection shall be provided to the local governmental body governing the  
4 agency and to the house and senate judiciary committees.

5 (d) Any law enforcement agency whose duty it is to enforce the laws of this state is  
6 empowered to authorize designated officers or agents to carry out the seizure provisions of this  
7 chapter. It shall be the duty of any officer or agent so authorized or designated or authorized by  
8 law, upon or by means of which any violation of this chapter has taken place or is taking place, to  
9 seize the vehicle and to place it in the custody of the person who is authorized or designated for  
10 that purpose by the respective law enforcement agency pursuant to those provisions.

11 **31-27-4.4. Motor vehicle forfeiture procedure. Post conviction motor vehicle**  
12 **forfeiture procedure.**

13 (a) ~~Any criminal complaint, information, or indictment charging a violation of § 31-27-4.1~~  
14 ~~shall set forth with reasonable particularity the motor vehicle that the attorney general seeks to~~  
15 ~~forfeit pursuant to this section.~~ Following a conviction pursuant to § 31-27-4.1(2), any criminal  
16 complaint, information, or indictment charging that offense may upon motion of the attorney  
17 general, identify with reasonable particularity the motor vehicle that the attorney general seeks to  
18 forfeit pursuant to this section.

19 (b)(1) After a conviction has been entered pursuant to § 31-27-4.1(2) the ~~The~~ court may,  
20 upon application of the attorney general, enter ~~a~~ restraining order orders or ~~injunction~~ injunctions,  
21 require any person claiming any interest in the subject vehicle to execute a satisfactory performance  
22 bond to the state, or take any other action to preserve the availability of the vehicle subject to  
23 forfeiture described in § 31-27-4.3, ~~whether prior or subsequent to the filing of a complaint,~~  
24 ~~indictment, or information.~~

25 (2) Written notice and an opportunity for a hearing shall be afforded to persons appearing  
26 to have an interest in the vehicle, the hearing, however, to be limited to the issues of whether:

27 (i) There is a substantial probability that the state will prevail on the issue of forfeiture after  
28 a conviction and pursuant to a court order and that failure to enter the order will result in the vehicle  
29 being destroyed, conveyed, encumbered or further encumbered, removed from the jurisdiction of  
30 the court, depreciated in value or otherwise made unavailable for forfeiture; and

31 (ii) The need to preserve the availability of the vehicle through the entry of the requested  
32 order outweighs the hardship on any party against whom the order is to be entered.

33 ~~(c)(1) A temporary restraining order under this section may be entered upon application of~~  
34 ~~the attorney general without notice or opportunity for a hearing when a complaint, information, or~~

1 ~~indictment has not yet been filed with respect to the vehicle if the attorney general demonstrates~~  
2 ~~that there is probable cause to believe that the vehicle with respect to which the order is sought~~  
3 ~~would, in the event of conviction, be subject to forfeiture under § 31-27-4.3 and that provision of~~  
4 ~~notice will jeopardize the availability of the vehicle for forfeiture. The temporary restraining order~~  
5 ~~shall expire within ten (10) days of the date on which it is entered unless extended for good cause~~  
6 ~~shown or unless the party against whom it is entered consents to an extension for a longer period.~~

7 ~~(2) A hearing requested by any party in interest concerning an order entered under this~~  
8 ~~subsection shall be held at the earliest possible time and prior to the expiration of the temporary~~  
9 ~~order.~~

10 ~~(3) The court may receive and consider, at the hearing held pursuant to this subsection,~~  
11 ~~evidence and information that would be inadmissible in court.~~

12 ~~(d)~~(c) Upon conviction of a person for the covered offense, the court may enter a judgment  
13 of forfeiture of the vehicle described in § 31-27-4.1 to the state and may also authorize the attorney  
14 general to seize the motor vehicle ordered forfeited upon any terms and conditions that the court  
15 shall deem proper. Following the entry of an order declaring the vehicle forfeited, the court may,  
16 upon application of the attorney general:

17 (1) Enter appropriate restraining orders or injunctions;

18 (2) Require the execution of satisfactory performance bonds, appoint receivers,  
19 conservators, appraisers, accountants, or trustees; or

20 (3) Take any other action to protect the interest of the state in the property ordered forfeited.

21 ~~(e)~~(d) All right, title, and interest in the vehicle described in § 31-27-4.1 vests in the state  
22 upon ~~the commission of the act~~ a conviction giving rise to forfeiture under this chapter. Any such  
23 vehicle that is subsequently transferred to any person may be the subject of a special verdict of  
24 forfeiture and shall be ordered forfeited to the state, unless the transferee establishes in a hearing  
25 pursuant to subsection ~~(f)~~(e) of this section that he or she is a bona fide purchaser for value of the  
26 vehicle who at the time of purchase was reasonably without cause to believe that the vehicle was  
27 subject to forfeiture.

28 ~~(f)~~(e) Procedures subsequent to the special verdict of forfeiture shall be as follows:

29 (1) Following the entry of an order of forfeiture under this section, the state shall publish  
30 notice of the order and of its intent to dispose of the vehicle once per week for at least three (3)  
31 weeks in any manner that the attorney general may provide by regulation. The attorney general  
32 shall also, to the extent practicable, provide written notice to all parties known to have an interest  
33 in the vehicle and all parties whose identity is reasonably subject to discovery and who may have  
34 an interest in the forfeited vehicle.

1           (2) Any person, other than the defendant, asserting any interest in the vehicle that has been  
2 ordered forfeited to the state pursuant to this section may, within one hundred eighty (180) days of  
3 the final publication of notice or his or her receipt of notice under subdivision (1) of this subsection,  
4 whichever is earlier, petition the court for a hearing to adjudicate the validity of his or her alleged  
5 interest in the vehicle.

6           (3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth  
7 the nature and extent of the petitioner's right, title, or interest in the vehicle; any additional facts  
8 supporting the petitioner's claim; and the relief sought.

9           (4) The hearing on the petition shall, to the extent practicable and consistent with the  
10 interest of justice, be held within thirty (30) days of the filing of the petition. The court may  
11 consolidate the hearing on the petition with a hearing on any other petition filed by a person other  
12 than the defendant and concerning the same vehicle.

13           (5) At a hearing, the petitioner may testify and present evidence and witnesses on his or  
14 her own behalf, and cross-examine witnesses who appear at the hearing. The state may present  
15 evidence and witnesses in rebuttal and in defense of its claim to the vehicle and cross-examine  
16 witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing,  
17 the court shall consider the relevant portions of the record of the [conviction in the](#) criminal case  
18 that resulted in the order of forfeiture.

19           (6) In accordance with its findings at the hearing, the court shall amend the order of  
20 forfeiture if it determines that the petitioner has established by a preponderance of the evidence  
21 that:

22           (i) The petitioner has a right, title, or interest in the vehicle, and the right, title or interest  
23 was vested in the petitioner rather than the defendant or was superior to any right, title, or interest  
24 of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the  
25 vehicle under this section; or

26           (ii) The petitioner is a bona fide purchaser for value of any right, title or interest in the  
27 vehicle and was at the time of purchase reasonably without cause to believe that the property was  
28 subject to forfeiture under this section.

29           (7) Following the court's disposition of all petitions filed under this section, or if no such  
30 petitions are filed, following the expiration of the period provided in this section for the filing of  
31 the petitions, the state shall have clear title to the vehicle that is the subject of the order of forfeiture  
32 and shall transfer good and sufficient title to any subsequent purchaser, transferee, or fund as  
33 provided in this chapter.

34           (8) Except as provided in this section, no party claiming an interest in the vehicle subject

1 to forfeiture under this section may:

2 (i) Intervene in a trial or appeal of a criminal case involving the forfeiture of the property;

3 or

4 (ii) Commence any action against the state concerning the validity of the alleged interest.

5 ~~(e)~~(f) In order to facilitate the identification or location of the vehicle declared forfeited  
6 and to facilitate the disposition of petitions filed pursuant to this section after the entry of an order  
7 declaring a vehicle forfeited to the state, the court may, upon application of the attorney general,  
8 order that the testimony of any witness relating to the forfeited vehicle be taken by deposition and  
9 that any designated book, paper, document, record, recording (electronic or otherwise), or other  
10 material not privileged, be produced at the same time and place, in the same manner as provided  
11 for the taking of depositions under the Rules of Civil Procedure.

12 ~~(h)~~(g) If the vehicle described in § 31-27-4.1: (1) cannot be located; (2) has been transferred  
13 to, sold to or deposited with a third party; (3) has been placed beyond the jurisdiction of the court;  
14 (4) has been substantially diminished in value by any act or omission of the defendant; the court  
15 shall order the forfeiture of any other property of the defendant up to the value of the subject  
16 property.

17 ~~(i)~~(h) The court shall have jurisdiction to enter orders as provided in this section without  
18 regard to the location of any property that may be subject to forfeiture under this section or that has  
19 been ordered forfeited under this section.

20 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 MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

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1           This act would remove the forfeiture provision for a first offense eluding law enforcement  
2 in a high speed pursuit. It would also require that forfeiture of a motor vehicle for a violation of §  
3 31-27-4.1(2) be allowed only after conviction of that offense.

4           This act would take effect upon passage.

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