

2026 -- S 3041

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LC005861
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT
OFFICERS' DUE PROCESS, ACCOUNTABILITY, AND TRANSPARENCY ACT

Introduced By: Senators Patalano, Ciccone, Tikoian, Famiglietti, Thompson, Dimitri,
Appollonio, Burke, and Raptakis

Date Introduced: March 05, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-28.6-1 of the General Laws in Chapter 42-28.6 entitled "Law
2 Enforcement Officers' Due Process, Accountability, and Transparency Act" is hereby amended to
3 read as follows:

4 **42-28.6-1. Definitions — Payment of legal fees.**

5 As used in this chapter, the following words have the meanings indicated:

6 (1) "Course of training in police discipline" means a course or courses of instruction
7 approved by the Rhode Island police officers commission on standards and training
8 ("commission") which shall be taught by instructors approved by the commission regarding the
9 provisions of this chapter and the applicable procedure, evidence and rules that apply to police
10 discipline as provided pursuant to § 42-28.6-1.2.

11 (2) "Hearing" means any meeting in the course of an investigatory proceeding, other than
12 an interrogation at which no testimony is taken under oath, conducted by a hearing committee for
13 the purpose of taking or adducing testimony or receiving evidence.

14 (3)(i) "Hearing committee" means a committee acting as a deliberative body which is
15 authorized to hold a hearing on a complaint against a law enforcement officer and which consists
16 of five (5) members: one member appointed by the chief justice of the supreme court who shall be
17 a retired justice or judge of the supreme, superior, or district court; one member appointed by the
18 chief justice of the supreme court, who is a practicing attorney in good standing with the supreme

1 court, in consultation with the court’s committee on racial and ethnic fairness and the Rhode Island
2 Bar Association and its committee on diversity, equity, and inclusion; and three (3) active or retired
3 qualified law enforcement officers employed by or retired from the state police or a municipal law
4 enforcement agency from within the state of Rhode Island, who shall be selected at random by the
5 Rhode Island police officers commission on standards and training from the certified officer pool
6 established pursuant to § 42-28.6-1.1 at an open meeting pursuant to chapter 46 of this title. No law
7 enforcement officer shall be selected that is employed by or retired from the same law enforcement
8 agency that employs the accused law enforcement officer or who is employed by or retired from
9 the charging law enforcement agency. The retired justice or judge appointed by the chief justice of
10 the supreme court shall serve as chairperson of the hearing committee. ~~Upon written application by
11 a majority of the hearing committee, the chairperson, in their discretion, may also appoint legal
12 counsel to assist the hearing committee.~~

13 (ii) ~~The law enforcement agency and the accused law enforcement officer under
14 investigation shall each be responsible to pay fifty percent (50%) of the legal fee of the appointed
15 legal counsel for the hearing committee; provided, however, that on motion made by either party,
16 the chair of the hearing committee shall have the authority to make a different disposition as to
17 what each party is required to pay toward the appointed legal counsel’s legal fee. Upon written
18 application by both the law enforcement agency and the accused law enforcement officer, the
19 chairperson, in their discretion, may also appoint legal counsel to assist the hearing committee. In
20 such cases, the law enforcement agency and the accused law enforcement officer shall each be
21 responsible to pay fifty percent (50%) of the legal fee of the appointed legal counsel for the hearing
22 committee, unless otherwise agreed upon.~~

23 (4) “Law enforcement officer” means any permanently employed city or town police
24 officer, state police officer, permanent law enforcement officer of the department of environmental
25 management, or those employees of the airport corporation of Rhode Island who have been granted
26 the authority to arrest by the president and CEO of said corporation. However this shall not include
27 the chief of police and/or the highest ranking sworn officer of any of the departments including the
28 president and CEO of the airport corporation of Rhode Island.

29 (5) “Qualified law enforcement officer” means:

30 (i) A sworn law enforcement officer who:

31 (A) Has a minimum of five (5) years’ active service as a law enforcement officer with a
32 law enforcement agency within the state;

33 (B) Has successfully completed a course(s) of training in police discipline pursuant to this
34 chapter and has maintained a current certification of completed training; and

- 1 (C) Has not achieved the rank of chief, colonel, deputy chief, or lieutenant colonel;
2 (ii) A retired law enforcement officer who has qualified prior to retirement or during
3 retirement and has met the criteria set out herein.

4 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 -- LAW ENFORCEMENT
OFFICERS' DUE PROCESS, ACCOUNTABILITY, AND TRANSPARENCY ACT

1 This act would amend "Law Enforcement Officers' Due Process, Accountability, and
2 Transparency Act" by changing the provision for payment of legal fees to allow upon written
3 application by both the law enforcement agency and the accused that the chairperson may appoint
4 legal counsel for the hearing committee, and each party shall be responsible for fifty percent (50%)
5 of the legal fees unless otherwise agreed.

6 This act would take effect upon passage.

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