

2021 -- H 5986

LC002153

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES -- PUBLIC UTILITIES

Introduced By: Representatives Fogarty, Carson, Donovan, McGaw, Vella-Wilkinson,
Cortvriend, Ruggiero, Tanzi, Ajello, and Amore

Date Introduced: February 26, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-35-4 of the General Laws in Chapter 11-35 entitled "Public
2 Utilities" is hereby amended to read as follows:

3 **11-35-4. Injuries to electric or communication lines.**

4 (a) Every person who shall wantonly or willfully and maliciously cut, destroy, break down,
5 or injure, or attempt to cut, destroy, break down, or injure any machine, appliance, or apparatus
6 used for generating electric currents or any electric wire or other appliance or apparatus used for
7 the purpose of conducting or transmitting electric currents for using and furnishing power, motive
8 power, light, or heat, or used for the purpose of transmitting intelligence by means of telegraphic
9 or telephonic apparatus or cellular tower or radio waves or by means of fire-alarm signals, burglar-
10 alarm signals, police signals, railway signals, or other apparatus or appliance for the transmission
11 of intelligence, or shall cut, destroy, break down, or injure or shall attempt to cut, destroy, break
12 down, or injure any pole, bracket, insulator or other device, apparatus, or appliance for supporting
13 or carrying any electric wire, or shall do any other act interrupting or intended to interrupt the
14 transmission of the electric current over any electric wire through the manual or electronic
15 operation of a switching mechanism or by other means, shall be liable to indictment for it, and upon
16 conviction shall be required to make restitution, and fined not exceeding ~~three thousand dollars~~
17 ~~(\$3,000)~~ fifty thousand dollars (\$50,000) or imprisoned not exceeding ~~two (2) years~~ ten (10) years,
18 or both; provided, that nothing in this section shall be construed to authorize or permit the
19 attachment, erection, use, operation, or maintenance of any electric wire, apparatus, pole, bracket,

1 insulator, or other device or appliance, upon the property of any person or corporation, without the
2 consent of the owner or owners; nor to prevent any properly authorized person from removing any
3 electric wire, apparatus, pole, bracket, insulator, or other device or appliance for the purpose of
4 permitting the passage of any building or structure, the moving of which has been duly authorized
5 by any city or town council.

6 [\(b\) Restitution, in addition to the cost for restoring operations, shall be owed to any third](#)
7 [party who suffered economic harm as a result of the injuries to the electric and communication](#)
8 [lines as provided for in this section.](#)

9 SECTION 2. Section 46-13-16 of the General Laws in Chapter 46-13 entitled "Public
10 Drinking Water Supply" is hereby amended to read as follows:

11 **46-13-16. Penalties and remedies.**

12 (a) It shall be the duty of any person to proceed diligently to comply with any order issued
13 pursuant to this chapter. If that person fails to proceed diligently or fails to comply with the order
14 within such time, if any, as may be specified, the order may be enforced by the superior court, upon
15 application made by the director.

16 (b) Any person who willfully or negligently violates any provision of this chapter, any rule
17 or regulation or order of the director, or any condition of any permit issued pursuant to the chapter
18 is guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than five
19 hundred dollars (\$500) for each separate offense, or to imprisonment for a period of not more than
20 one year, or both.

21 (c) In addition to proceeding under any other remedy available at law or in equity for a
22 violation of any provision of this chapter, any rule or regulation pursuant to this chapter, or any
23 term or condition of any permit issued pursuant to this chapter, the relevant director may assess a
24 civil penalty upon a person for the violation. The penalty may be assessed whether or not the
25 violation was willful or negligent. When the director assesses a civil penalty, he or she shall inform
26 the person of the amount of the penalty. The person charged with the penalty shall then have thirty
27 (30) days to pay the penalty in full or, if the person wishes to contest either the amount of the
28 penalty or the fact of the violation, the person shall within the thirty (30) day period, file an appeal
29 of the action with the director. Failure to appeal within thirty (30) days shall result in a waiver of
30 all legal rights to contest the violation or the amount of the penalty. The maximum civil penalty
31 which may be assessed pursuant to this section is five thousand dollars (\$5,000) per day for each
32 violation. Each violation for each separate day and each violation of any provision of this chapter,
33 any rule or regulation under this chapter, any order of the director, or any term or condition of a
34 permit shall constitute a separate and distinct offense under this section.

1 (d) The penalties and remedies prescribed by this chapter shall be deemed concurrent and
2 the existence of or exercise of any remedy shall not prevent the director from exercising any other
3 remedy hereunder.

4 (e) Violations on separate days shall constitute separate offenses for purposes of this
5 chapter.

6 (f) Any person who endangers the health of persons by knowingly introducing any
7 contaminant into a public water supply system or tampering with a public water supply system
8 shall be required to make restitution, and fined not more than fifty thousand dollars (\$50,000), or
9 imprisoned for not more than ~~five (5)~~ ten (10) years, or both.

10 (g) Any person who attempts to endanger or makes a threat to endanger the health of
11 persons by knowingly introducing any contaminant into a public water supply system or tampering
12 with a public water supply system shall be required to make restitution, and fined not more than
13 twenty thousand dollars (\$20,000), or imprisoned for not more than ~~three (3)~~ ten (10) years, or both.

14 (h) The director may bring a civil action in the superior court against any person who
15 endangers, attempts to endanger, or makes a threat to endanger the health of persons, or otherwise
16 renders the water unfit for human consumption, by the introduction of any contaminant into a public
17 water supply system or tampering with a public water supply system. The court may impose on the
18 person a civil penalty of not more than fifty thousand dollars (\$50,000) for each day that the
19 endangerment or inability to consume the water exists.

20 (i) All fines and penalties collected under the penalty provisions of this chapter and all fees
21 shall be deposited as general revenues.

22 (j) Restitution, in addition to the cost for restoring operations, shall be owed to any third
23 party who suffered economic harm as a result of the introduction or threatened introduction of a
24 contaminant as provided for in this section.

25 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would increase penalties for damages to electric and cellular communication lines
2 from three thousand dollars (\$3,000) to fifty thousand dollars (\$50,000); imprisonment from two
3 (2) years to ten (10) years, or both and would require restitution for economic harm. This act would
4 further increase penalties for damage resulting from contamination of public water supply systems
5 for imprisonment from five (5) to ten (10) years and require restitution for economic harm.
6 This act would take effect upon passage.

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