

2021 -- H 6084

LC002285

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY --
WRITS, SUMMONS AND PROCESS

Introduced By: Representatives Fellela, Serpa, and Noret

Date Introduced: March 03, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-5-10.1 of the General Laws in Chapter 9-5 entitled "Writs,
2 Summons and Process" is hereby amended to read as follows:

3 **9-5-10.1. Certification of constables.**

4 (a)(1) A person at least twenty-one (21) years of age who complies with the statute and the
5 requirements set forth in any regulations promulgated by the department of business regulation may
6 file an application with the department requesting that the applicant be certified as a constable.
7 Once issued by the department, such certification shall be effective for a period of two (2) years or
8 until such approval is withdrawn by the department. Such certified constable shall be entitled to
9 serve or execute writs and process in such capacity for any court of the state, anywhere in the state,
10 subject to any terms and limitations as set forth by the court, and in such number as determined by
11 the chief judge of the district court.

12 (2) A person to be certified as a constable shall provide documentation and evidence
13 satisfactory to the department of business regulations that the person possesses the specified
14 minimum qualifications to include:

15 (i) Sixty (60) hours of earned credit from an accredited college, university, or institution;

16 or

17 (ii) Four (4) years of honorable military service; or

18 (iii) Twenty (20) years of honorable service with a local, state, or federal law enforcement

1 agency; and
2 (iv) United State citizenship; and
3 (v) Possession of a valid motor vehicle operator's license; and
4 (vi) Successful completion of unlawful drug use screening; and
5 (vii) Successful completion of psychological testing approved by the department of
6 business regulation.

7 (b) Certification process.

8 (1) Application.

9 (i) Any person seeking certification pursuant to this section shall complete an application
10 and submit it to the department of business regulation in the form designated by the department for
11 such applications.

12 (ii) The application shall include information determined by the department to be relevant
13 to licensure and shall include a national criminal background check.

14 (2) Referral to certified constables' board.

15 (i) Once the applicant has provided a completed application, the department shall refer the
16 applicant to the certified constables' board by providing a copy of the application to the board and
17 to the chief judge of the district court.

18 (3) Training.

19 (i) Following review of the application, the board shall determine whether the applicant
20 should be recommended for training by the board to be conducted by a volunteer training constable.
21 If the board determines that training is appropriate, the applicant shall be assigned to a training
22 constable who shall be a constable in good standing for a minimum of ten (10) years and who is
23 approved by the chief judge of the district court to train prospective constables.

24 (ii) Training shall consist of a minimum of ninety (90) hours to be completed ~~within~~ no
25 sooner than ninety (90) days from the date of the referral by the board. . The department may waive
26 the training requirement of this section for an applicant who has graduated from a certified police
27 or law enforcement academy and who has a minimum of twenty (20) years of honorable service as
28 a police or law enforcement officer.

29 (iii) Within thirty (30) days from the conclusion of training, a written report shall be
30 submitted by the training constable to the board with a copy to the department that reflects the dates
31 and times of training and comments on the aptitude of the trainee.

32 (iv) If the board concludes that training is not appropriate or if the report of the training
33 constable concludes that the applicant does not have the aptitude to perform the duties of a
34 constable, the board shall so inform the department which shall deny the application on that basis.

1 (4) Oral and written tests.

2 (i) Upon the successful completion of the training period and recommendation from the
3 training constable, within ninety (90) days, the applicant shall complete an oral examination on the
4 legal and practical aspects of certified constables' duties that shall be created and administered by
5 the board.

6 (ii) Upon the successful completion of the oral examination, within sixty (60) days the
7 applicant must complete a written test created by the board and approved by the chief judge of the
8 district court that measures the applicant's knowledge of state law and court procedure.

9 (iii) If the board concludes that the applicant has not successfully passed either the oral or
10 written test, the board shall so inform the department which shall deny the application on that basis.

11 (5) Final review. The department shall review the application, training record, test scores,
12 and such other information or documentation as required and shall determine whether the applicant
13 shall be approved for certification and the person authorized to serve process in the state.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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- 1 This act would provide for minimum qualifications for court constables to include
- 2 education, military, or law enforcement experience and drug and psychological screening.
- 3 This act would take effect upon passage.

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