

2024 -- S 2935 SUBSTITUTE A

LC005819/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ATTORNEY
GENERAL

Introduced By: Senator Dawn M. Euer

Date Introduced: March 28, 2024

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-9 of the General Laws entitled "Department of Attorney General"

2 is hereby amended by adding thereto the following section:

3 **42-9-20. Authority as chief law enforcement officer.**

4 (a) As used in this section:

5 (1) "Persistent illegality" means an ongoing or continuing course of illegal conduct.

6 (2) "Repeated" means more than one illegal act or an illegal act which affects more than
7 one person.

8 (b) Whenever any person shall engage in repeated illegal acts, or otherwise demonstrates
9 persistent illegality in the carrying on, conducting or transaction of business or governmental
10 activity, the attorney general may apply, in the name of the people of the State of Rhode Island, to
11 the superior court of the State of Rhode Island, for an order enjoining the continuance of such illegal
12 acts, and directing restitution, damages, and penalties as set forth in § 6-13.1-8, and, in an
13 appropriate case, cancelling any certificate filed with the Rhode Island secretary of state, and the
14 court may award the relief applied for or so much thereof as it may deem proper.

15 (c) In connection with any such application, the attorney general is authorized to take proof
16 and make a determination of the relevant facts and to issue civil investigative demands to any
17 person as defined in §§ 6-13.1-1 or 43-3-6, and in accordance with and subject to the limitations of
18 the rules set forth in § 6-13.1-7. Such authorization may precede any such application and shall not

1 abate or terminate by reason of any action or proceeding brought by the attorney general under this
2 section.

3 (d) This section does not apply to entities or individuals subject to the exemptions set forth
4 in § 6-13.1-4.

5 (e)(1) The department of attorney general shall prepare and submit an annual report to the
6 speaker of the house, the president of the senate and the governor on or before February 1, 2026
7 and February 1, 2027.

8 (2) The annual report shall contain the following categories:

9 (A) The number of investigations conducted by the department of the attorney general;

10 (B) The number of applications made by the department of the attorney general to the
11 superior court pursuant to this section;

12 (C) The outcome of the applications to the superior court, including, but not limited to,
13 injunctions obtained, restitution granted, amount of damages awarded, amount of civil penalties
14 imposed, and the number of denials of the applications submitted; and

15 (D) The usefulness of this section, recommendations and any other information the
16 department of attorney general deems noteworthy.

17 (f) The provisions of this section shall sunset on December 31, 2026; provided, however,
18 that any application or matter pending before the superior court on or before December 31, 2026
19 shall not be affected.

20 SECTION 2. This act shall take effect on January 1, 2025 and sunset on December 31,
21 2026.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ATTORNEY
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1 This act would allow the attorney general to investigate and bring an enforcement action
2 against persistent illegality in the carrying on, conducting, or transaction of business or
3 governmental activity. The act would also impose a reporting requirement to submit an annual
4 report to the general assembly and the governor.

5 This act would take effect on January 1, 2025 and sunset on December 31, 2026.

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