

2013 -- H 6097

=====
LC02427
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE

Introduced By: Representatives Blazewski, Lally, Lombardi, Marcello, and Craven

Date Introduced: May 09, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-8-3 of the General Laws in Chapter 8-8 entitled "District Court"
2 is hereby amended to read as follows:

3 **8-8-3. Jurisdiction.** -- (a) The district court shall have exclusive original jurisdiction of:

4 (1) All civil actions at law, but not causes in equity or those following the course of
5 equity except as provided in section 8-8-3.1 and chapter 8.1 of this title, wherein the amount in
6 controversy does not exceed five thousand dollars (\$5,000);

7 (2) All actions between landlords and tenants pursuant to chapter 18 of title 34 and all
8 other actions for possession of premises and estates notwithstanding the provisions of subsection
9 (c) of this section;

10 (3) All actions of replevin where the goods and chattels to be replevied are of the value
11 of five thousand dollars (\$5,000) or less;

12 (4) All violations of minimum housing standards whether established by chapter 24.3 of
13 title 45 or by any municipal ordinance, rule, or regulation passed pursuant to the authority granted
14 either by chapter 24.2 of title 45 or by special act of the general assembly governing minimum
15 housing standards; except that in the event the city of Providence or town of North Providence
16 shall by ordinance create a court for the purpose of exercising jurisdiction over violations of
17 minimum housing standards, Providence Municipal Zoning Code and the Rhode Island State
18 Building Code, chapter 27.3 of title 23, concerning properties which are not owned by the state,
19 upon enactment of the ordinance, that court shall have exclusive original jurisdiction of violations

1 of the above listed codes and standards as defined herein occurring within the city of Providence
2 or the town of North Providence, ~~and the district court shall be without jurisdiction over those~~
3 ~~actions~~ and shall have the same powers as the district court in furtherance of this jurisdiction,
4 including, but not limited to, administering oaths, compelling the attendance of witnesses, and
5 punishing persons for contempt;

6 (5) All suits and complaints for offenses against the bylaws, ordinances, and regulations
7 of cities and towns whether passed by the cities or towns or under the law by the properly
8 constituted authorities thereof;

9 (6) All other actions, proceedings, and matters of whatever nature which are or shall be
10 declared to be within the jurisdiction of the court by the laws of the state.

11 (b) The district court shall also have any special jurisdiction which is or may be
12 conferred by charter or law upon justices of the peace if no special court exists or is created by
13 charter or law for that purpose.

14 (c) The district court shall have concurrent original jurisdiction with the superior court of
15 all civil actions at law wherein the amount in controversy exceeds the sum of five thousand
16 dollars (\$5,000) and does not exceed ten thousand dollars (\$10,000); provided, however, that in
17 any such action, any one or more defendants may in the answer to the complaint demand removal
18 of the action to the superior court, in which event the action shall proceed as if it had been filed
19 originally in the superior court.

20 (d) The district court shall have special jurisdiction to grant relief as set forth under
21 section 15-15-4(b)(1).

22 SECTION 2. Section 45-16-4.3 of the General Laws in Chapter 45-16 entitled "Sergeants
23 and Constables" is hereby amended to read as follows:

24 **45-16-4.3. Service of process by constables.** -- The chief justice of the supreme court,
25 ~~and~~ the chief judge of the family and district courts, and the chief judge of a housing court created
26 pursuant to subdivision 8-8-3(a)(4), upon application being made by a constable authorized or
27 licensed to serve civil process under this chapter, may authorize the constable to serve or execute
28 any process or writs issued by or returnable to the court including, but not limited to, executions
29 running against the body of a defendant. Upon being so authorized or licensed, the constable shall
30 have the power and authority to serve or execute all writs and process which may issue from the
31 court in like manner and at fees authorized to deputy sheriffs. Each constable shall at the time of
32 licensing or authorization give additional bond with the clerk of the district court in the sum of
33 five thousand dollars (\$5,000) for the faithful performance of the duties of the office. Any
34 appointee serves at the pleasure of the appointing authority.

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

=====
LC02427
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE

1 This act would extend to a housing court established by Providence or North Providence,
2 the same powers as the district court in furtherance of jurisdiction. The chief judge of a housing
3 court may authorize a constable to serve or execute any process or writs issued or returnable to
4 the court.

5 This act would take effect upon passage.

=====
LC02427
=====