

2014 -- H 7508

=====
LC003939
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO CRIMINAL PROCEDURE

Introduced By: Representative Spencer E. Dickinson

Date Introduced: February 13, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 12 of the General Laws entitled "CRIMINAL PROCEDURE" is
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 5.3

4 SOUND AND VISUAL RECORDINGS ACT OF 2014

5 **12-5.3-1. Short title.** -- This chapter shall be known and may be cited as the "Sound and
6 Visual Recordings Act of 2014."

7 **12-5.3-2. Purpose.** -- It is in the best tradition of our country that government respects
8 the privacy of all citizens and strives for openness of government and communication. Recent
9 news items and events have created concern, unrest, and anxiety over privacy issues and
10 purported invasions of privacy. The purpose of this act is to address these concerns in regard to
11 recordings and monitoring of persons and to protect persons in their right to a reasonable
12 expectation of privacy from unwarranted and surreptitious invasions of their privacy through
13 sound or visual recordings or monitoring.

14 **12-5.3-3. Definitions.** -- As used in this chapter:

15 (1) "Contents" when used with respect to any sound or audio recording or visual
16 recording, or monitoring device, means and includes any information concerning the identity of
17 the parties subject to the recording or monitoring, or the existence, substance, purport, or meaning
18 of that recording or device.

19 (2) "Device" means a machine that capable of making and providing a visual or sound or

1 audio recording or monitoring.

2 **12-5.3-4. Surreptitious sound or visual recordings or monitoring.** -- (a) Except as
3 otherwise specifically provided in this section, no person shall knowingly install, use or activate
4 any device that will provide a visual or sound or audio recording or monitoring in any room or
5 portion of the state of Rhode Island, or attempt to maintain, review, or distribute the contents of
6 said device, except as follows:

7 (1) A list of said devices and the location of said devices shall be maintained at the office
8 of the secretary of state;

9 (2) All such devices shall be prominently mounted on the premises and labeled so that a
10 person on the premises can see the device; and

11 (3) All such devices shall be equipped with a signal such as a flashing light or similar
12 signal that will be activated at any time the device is in use for recording or monitoring.

13 (b) Any person who willfully commits a violation of this section through the installation,
14 use, or activation of any device or distribution or attempted distribution of the contents of said
15 device that will provide a visual or sound recording or monitoring shall be fined not more than
16 fifty thousand dollars (\$50,000), or imprisoned for not more than five (5) years, or both.

17 (c) Proof of the installation of any device by any person under circumstances evincing an
18 intent to commit a sound, audio, or visual recording or monitoring which is not authorized or
19 permitted by this section, shall be evidence of a violation of this section.

20 (d) This section shall not apply to:

21 (1) Actions taken by law enforcement agencies pursuant to lawful court order;

22 (2) Live digital video school bus violation detection monitoring systems installed
23 pursuant to chapter 51 of title 31;

24 (3) Live digital or other monitoring devices placed upon bridges, highways, or roadways
25 for monitoring safety; and

26 (4) Live digital and other monitoring devices operated by licensed private security firms
27 in the course of their normal business.

28 (e) This section shall not be construed to sanction or permit recordings which are
29 otherwise prohibited by law.

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

=====
LC003939
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE

1 This act would provide that it would be a felony to knowingly install, use or activate any
2 device that will provide a visual or sound recording or monitoring in any room or portion of the
3 state of Rhode Island, without clearly disclosing the existence and location of said device.

4 This act would take effect upon passage.

=====
LC003939
=====