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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - CRIMINAL PROCEDURE -
IDENTIFICATION AND APPREHENSION OF CRIMINALS

Introduced By: Representatives Silva, and Shekarchi

Date Introduced: March 12, 2014

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,

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

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

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

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

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

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

23 SECTION 2. Section 12-1-14 of the General Laws in Chapter 12-1 entitled
24 "Identification and Apprehension of Criminals" is hereby amended to read as follows:

25 **12-1-14. Body attachment -- Nonsupport of children.** -- (a) Any body attachment
26 issued by the family court in a case involving the bureau of family support relating to the
27 nonsupport of children shall be entered into the state and police telecommunications system
28 known as the Rhode Island Law Enforcement Telecommunications System, "RILETS". The
29 family court shall be responsible for transmitting all body attachments and cancellations of them
30 to the attorney general's bureau of criminal identification for distributing the body attachment
31 information into RILETS. Within the body attachment, the information entered in RILETS shall
32 include date of birth and social security number when available. The family court shall be
33 responsible for transmitting information regarding all body attachments and cancellations to the
34 attorney general's bureau of criminal identification for entering the body attachment information

1 into RILETS. The family court shall transmit the original body attachment to the attorney
2 general's bureau of criminal identification.

3 (b) Any peace officer as defined in section 12-7-21 [or any constable holding a license](#)
4 [granting full powers and authorized under §§ 45-16-4.3 and 45-16-4.4 by the chief justice of the](#)
5 [supreme court, the chief judge of the family court, the presiding justice of the superior court](#)
6 [and/or the chief judge of a housing court](#) shall have the authority to execute a body attachment as
7 issued by the family court pursuant to section 8-10-3.1.

8 SECTION 3. Section 12-6-7.1 of the General Laws in Chapter 12-6 entitled "Warrants
9 for Arrest" is hereby amended to read as follows:

10 **12-6-7.1. Service of arrest warrants.** -- (a) Whenever any judge of any court shall issue
11 his or her warrant against any person for failure to appear or comply with a court order, or for
12 failure to make payment of a court ordered fine, civil assessment, or order of restitution, the judge
13 may direct the warrant to each and all deputy sheriffs, the warrant squad, or any peace officer as
14 defined in section 12-7-21, [or any constable holding a license granting full powers and authorized](#)
15 [under §§ 45-16-4.3 and 45-16-4.4 by the chief justice of the supreme court, the chief judge of the](#)
16 [family court, the presiding justice of the superior court and/or the chief judge of a housing court](#)
17 requiring them to apprehend the person and bring him or her before the court to be dealt with
18 according to law; and the officers shall obey and execute the warrant, and be protected from
19 obstruction and assault in executing the warrant as in service of other process. The person
20 apprehended shall, in addition to any other costs incurred by him or her, be ordered to pay a fee
21 for service of this warrant in the sum of one hundred twenty-five dollars (\$125). Twenty-five
22 dollars (\$25.00) of the above fee collected as a result of a warrant squad arrest shall be divided
23 among the local law enforcement agencies assigned to the warrant squad. Any person
24 apprehended on a warrant for failure to appear for a cost review hearing in the superior court may
25 be released upon posting with a justice of the peace the full amount due and owing in court costs
26 as described in the warrant or bail in another amount or form that will ensure the defendant's
27 appearance in the superior court at an ability to pay hearing, in addition to the one hundred
28 twenty-five dollars (\$125) warrant assessment fee described above. Any person detained as a
29 result of the actions of the justice of the peace in acting upon the superior court cost warrant shall
30 be brought before the superior court at its next session. Such monies shall be delivered by the
31 justice of the peace to the court issuing the warrant on the next court business day.

32 (b) Any person arrested pursuant to a warrant issued by a municipal court may be
33 presented to a judge of the district court, or a justice of the peace authorized to issue warrants
34 pursuant to section 12-10-2, for release on personal recognizance or bail when the municipal

1 court is not in session. The provisions of this section shall apply only to criminal and not civil
2 cases pending before the courts.

3 (c) Any person arrested pursuant to a warrant issued hereunder shall:

4 (1) be immediately brought before the court;

5 (2) if the court is not in session then the person shall be brought before the court at its
6 next session;

7 (3) be afforded a review hearing on his/her ability to pay within forty-eight (48) hours;
8 and

9 (4) if the court is not in session at the time of the arrest, a review hearing on his/her
10 ability to pay will be provided at the time for the first court appearance, as set forth in subsection
11 (c)(3) of this section.

12 SECTION 4. Section 45-16-4.3 of the General Laws in Chapter 45-16 entitled "Sergeants
13 and Constables" is hereby amended to read as follows:

14 **45-16-4.3. Service of process by constables.** -- The chief justice of the supreme court,
15 ~~and~~ the chief judge of the family and district courts, and the chief judge of a housing court created
16 pursuant to § 8-8-3(a)(4). upon application being made by a constable authorized or licensed to
17 serve civil process under this chapter, may authorize the constable to serve or execute any process
18 or writs issued by or returnable to the court including, but not limited to, executions running
19 against the body of a defendant. Upon being so authorized or licensed, the constable shall have
20 the power and authority to serve or execute all writs and process which may issue from the court
21 in like manner and at fees authorized to deputy sheriffs. Each constable shall at the time of
22 licensing or authorization give additional bond with the clerk of the district court in the sum of
23 five thousand dollars (\$5,000) for the faithful performance of the duties of the office. Any
24 appointee serves at the pleasure of the appointing authority.

25 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - CRIMINAL PROCEDURE -
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1 This act would allow a licensed constable the power to serve or execute certain arrest
2 warrants and body attachments, upon application and approval by either the chief justice of the
3 supreme court, the presiding justice of the superior court, the chief judge of the family and district
4 courts, and/or the chief judge of a housing court. This act would also expand the powers of the
5 housing courts in the city of Providence and town of North Providence to include, administering
6 oaths, compelling the attendance of witnesses, and punishing persons for contempt. The chief
7 judge of a housing court may authorize a constable to serve or execute any process or writs issued
8 or returnable to the court.

9 This act would take effect upon passage.

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