

**2015 -- S 0825 SUBSTITUTE A AS AMENDED**

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**STATE OF RHODE ISLAND**

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY

Introduced By: Senator Michael J. McCaffrey

Date Introduced: April 09, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 3-12-1 and 3-12-3 of the General Laws in Chapter 3-12 entitled  
2 "Enforcement of Title" are hereby amended to read as follows:  
3           **~~3-12-1. Duty of deputy sheriffs, constables, and police officers -- Action on~~**  
4 **~~taxpayer's demand~~ Duty of deputy sheriffs, town constables, and police officers -- Action on**  
5 **taxpayer's demand.** -- Members of the division of sheriffs, and the city and town sergeants, [town](#)  
6 constables, officers, or members of the town or city police, and members of the division of state  
7 police, are empowered and it is made their duty to see that the provisions of this title and the rules  
8 and regulations made or authorized by the department of business regulation and the division of  
9 taxation are enforced within their counties, towns, and cities. It is their special duty to use their  
10 utmost efforts to repress and prevent crime by the suppression of unlicensed liquor shops,  
11 gambling places, and houses of ill fame, and they shall also do so on the request of any taxpayer  
12 of any town or city and may command aid in the execution of the authority conferred. Any officer  
13 within the above enumeration who willfully neglects or refuses to perform the duties imposed  
14 upon him or her by this section shall be fined not exceeding five hundred dollars (\$500) and be  
15 rendered ineligible again to be appointed to this position; provided, that the officer may after  
16 investigation, before taking any further action at the request of any taxpayer, demand that the  
17 taxpayer requesting him or her to act give a bond to secure to that officer reasonable  
18 compensation for his or her services and to protect him or her from all costs and damages that  
19 may arise from that action.

1           **3-12-3. Entry on licensed premises -- Arrest without warrant -- Evidence of**  
2 **unlawful sales.** -- The mayor and council of any city or the town council or either member, or the  
3 chief of police of any city or town, or any police officer, or any [town](#) constable specially  
4 authorized by that city or town council, or any member of the division of state police, or agent of  
5 the department of business regulation and the division of taxation, may at any time enter upon the  
6 premises of any person licensed under this title, to ascertain the manner in which that person  
7 conducts his or her business and to preserve order; and every chief of police, police officer, [town](#)  
8 constable or member of the division of state police, has the power to arrest, without a warrant, all  
9 persons found actually engaged, in the premises entered, in the commission of any offense in  
10 violation of any of the provisions of this title, and to keep those persons arrested in custody until  
11 they can be brought before some magistrate (but for a period not to exceed twenty-four (24)  
12 hours) having the proper jurisdiction of that offense in that city or town, to be dealt with  
13 according to law; and whenever any person is seen to drink any beverage in those premises, or in  
14 any part of those premises, on any days or hours prohibited, under this title, it is evidence that  
15 those beverages were sold and kept for sale by the occupant of those premises or his or her  
16 authorized agent.

17           SECTION 2. Sections 4-1-12 and 4-1-20 of the General Laws in Chapter 4-1 entitled  
18 "Cruelty to Animals" are hereby amended to read as follows:

19           **4-1-12. Entry of premises where bird or animal fights are conducted -- Arrest --**  
20 **Seizure of birds or animals.** -- Any deputy sheriff, town sergeant, [town](#) constable, police officer  
21 or any officer authorized to serve criminal process may enter any place, building, or tenement  
22 anywhere within the state, where there is an exhibition of the fighting of birds or animals, or  
23 where preparations are being made for that exhibition, and without a warrant, arrest all persons  
24 present, and take possession of the birds or animals engaged in fighting, and all birds or animals  
25 found there and intended to be used or engaged in fighting. Those persons shall be kept in  
26 custody in jail or other convenient place not more than twenty-four (24) hours, Sundays and legal  
27 holidays excepted, at or before the expiration of which time those persons shall be brought before  
28 a district court or the superior court and proceeded against according to law.

29           **4-1-20. Duty of police officers -- Fines paid to society for prevention of cruelty to**  
30 **animals.** -- Any deputy sheriff, [town](#) constable or police officer shall prosecute all violations of  
31 this chapter which come to his or her knowledge and all fines and forfeitures resulting from the  
32 complaint of any officer or agent of the society for the prevention of cruelty to animals under this  
33 chapter, shall enure and be paid over to the society in aid of the benevolent objects for which it  
34 was incorporated.

1 SECTION 3. Section 5-2-4 of the General Laws in Chapter 5-2 entitled "Bowling Alleys,  
2 Billiard Tables, and Shooting Galleries" is hereby amended to read as follows:

3 **5-2-4. Providence -- Regulation of bowling alleys. --** The bureau of licenses of the city  
4 of Providence may regulate bowling alleys in that city and make orders as to the manner of  
5 building and the hours of using bowling alleys; and in case an order is disobeyed, may issue their  
6 warrant, directed to the city sergeant or to any [town](#) constable, commanding him or her to take up  
7 and destroy any bowling alley kept in violation of that order; and every city sergeant or constable  
8 to whom a warrant is delivered shall immediately execute the warrant.

9 SECTION 4. Section 5-11-12 of the General Laws in Chapter 5-11 entitled "Hawkers and  
10 Peddlers" is hereby amended to read as follows:

11 **5-11-12. Arrest of violators -- Detention of merchandise. --** Any state police officer,  
12 any police officer of any city or town who has probable cause to believe a person has violated the  
13 provisions of this chapter, and any deputy sheriff, town sergeant, or [town](#) constable within his or  
14 her precinct who has probable cause to believe a person has violated the provisions of this  
15 chapter, may arrest that person, and may also detain any goods, wares, or other merchandise  
16 which the arrested person has with him or her at the time of his or her arrest, for the purpose of  
17 hawking and peddling; and the arresting officer detaining the goods, wares, or merchandise shall  
18 be allowed a reasonable compensation for the safekeeping and care of the merchandise and  
19 property, to be taxed in the costs of prosecution and conviction for the offense.

20 SECTION 5. Section 5-22-16 of the General Laws in Chapter 5-22 entitled "Shows and  
21 Exhibitions" is hereby amended to read as follows:

22 **5-22-16. Appointment of officers to preserve order at shows. --** Town or city councils  
23 may also appoint [town](#) constables or other proper officials, at the expense of the licensee, to  
24 preserve order and to execute the orders of the city or town council at any such show, and to  
25 report to the chief of police or the city or town sergeant any violation of the law and especially  
26 any violation of § 5-22-23 that occurs during the show.

27 SECTION 6. Section 8-5-1 of the General Laws in Chapter 8-5 entitled "Court  
28 Secretaries, Court Reporters, and Electronic Court Reporters" is hereby amended to read as  
29 follows:

30 **8-5-1. Supreme court secretary and assistant -- Powers of court attendants. --** The  
31 supreme court may appoint a secretary and an assistant secretary, each of whom shall hold office  
32 during its pleasure and shall perform such duties as may be required by the court. ~~All court~~  
33 ~~attendants, when on duty, shall have the power of police constables.~~

34 SECTION 7. Section 8-8.1-4.2 of the General Laws in Chapter 8-8.1 entitled "Domestic

1 Assault" is hereby amended to read as follows:

2 **8-8.1-4.2. Return of service -- Alternate service. --** (a) The complaint and any order  
3 issued under this chapter shall be personally served upon the defendant by a deputy sheriff or  
4 certified constable except as provided in subsections (c), (d), and (f) of this section. Service shall  
5 be made without payment of any fee when service is made by a deputy sheriff. At the election of  
6 the plaintiff, service pursuant to this subsection may also be made by a certified constable  
7 ~~licensed~~ authorized to serve process of the district court pursuant to § ~~45-16-4.1~~ 9-5-10.1. The  
8 certified constable shall be entitled to receive the fee allowed by law for the service of a district  
9 court summons.

10 (b) Return of service shall be forwarded by the deputy sheriff or certified constable to the  
11 clerk of court prior to the date set down for hearing on the complaint. If service has not been  
12 made, the deputy sheriff or certified constable shall indicate on the summons the reason therefor  
13 and the attempts made to serve the defendant.

14 (c) At the time the return of service is sent to the clerk of the court, the deputy sheriff or  
15 certified constable shall cause a copy of the return of service to be sent to the plaintiff and to the  
16 appropriate law enforcement agency.

17 (d) If, at the time of hearing on the complaint, the court determines that after diligent  
18 effort the deputy sheriff or certified constable has been unable to serve the defendant personally,  
19 the judge may order an alternate method of service designed to give reasonable notice of the  
20 action to the defendant and taking into consideration the plaintiff's ability to afford the means of  
21 service ordered. Alternative service shall include but not be limited to: service by certified and  
22 regular mail at defendant's last known address (excluding the residence which he or she has been  
23 ordered to vacate) or place of employment, leaving copies at the defendant's dwelling or usual  
24 place of abode with a person of suitable age and discretion residing therein, or by publication in a  
25 newspaper for two (2) consecutive weeks. The court shall set a new date for hearing on the  
26 complaint and shall extend the temporary order until that date.

27 (e) If the defendant appears in person before the court, the necessity for further service is  
28 waived and proof of service of that order is not necessary.

29 (f) If the defendant is served notice regarding the complaint and hearing, but does not  
30 appear at the hearing, the clerk of the district court shall mail the defendant a copy of the resulting  
31 order.

32 SECTION 8. Sections 9-5-6, 9-5-7, 9-5-10 and 9-5-15 of the General Laws in Chapter 9-  
33 5 entitled "Writs, Summons and Process" are hereby amended to read as follows:

34 **9-5-6. Writs and process operating throughout state -- Officers to whom directed. --**

1 All writs, [executions](#) and process shall run throughout the state, and shall be directed [for service](#)  
2 to the division of sheriffs, or [to a certified constables constable](#), but if any deputy sheriff is a party  
3 to the action or suit, the process, shall be directed to the town sergeant or [a certified](#) constable and  
4 may be served by any one of them not a party to the action or suit.

5 **9-5-7. Direction of writs for arrest or execution against the body.** -- All writs  
6 whatsoever, commanding the arrest of a defendant, or executions running against the body of a  
7 defendant, shall be directed for service ~~only~~ to the division of sheriffs [or to a certified constable](#)  
8 [authorized pursuant to § 9-5-10.1](#), or if the writ is to be served in the town of New Shoreham, it  
9 may be directed to the town sergeant of the town, subject to the provisions of § 9-5-8, and no writ  
10 of arrest shall be served by any other officer.

11 **9-5-10. Direction and return of district courts writs and summonses.** -- Writs and  
12 summonses issued by a district court shall be made returnable to the court at the place and on the  
13 day and hour provided by law, to be named in the writs and summonses, and shall, except as  
14 otherwise specifically provided, be directed to the division of sheriffs, or to ~~either of~~ the town  
15 sergeants or ~~constables~~ [to a certified constable](#) ~~licensed~~ [authorized](#) pursuant to § ~~45-16-4.1~~ [9-5-](#)  
16 [10.1](#) ~~of the county in which the action shall be brought, or pursuant to § 45-16-4.3 for statewide~~  
17 ~~service; provided, that writs of arrest and writs, summonses, and executions issued by a district~~  
18 ~~court in actions for possession of tenements or estates let or held at will or by sufferance shall be~~  
19 ~~directed to the division of sheriffs and service thereof shall be made by a member of the division~~  
20 ~~of sheriffs; and provided, further, that in actions wherein the debt or damages demanded exceed~~  
21 ~~three hundred dollars (\$300), a town sergeant of the county in which the action is brought shall~~  
22 ~~have power to serve the writs or summonses only if his or her certificate of appointment has been~~  
23 ~~endorsed approving such use thereof by the judge of the district court having jurisdiction in the~~  
24 ~~city or town by which the sergeant was appointed or elected.~~ In case any person upon whom it is  
25 necessary to make service of any writ, summons, or execution issued by a district court is, or has  
26 estate, in any other county than the one in which the action is brought, the writ, summons, or  
27 execution may also be directed to and served by the like officer of such other county.

28 **9-5-15. Form for writs of replevin.** -- Writs of replevin shall be substantially in the  
29 following form:

30 WRIT OF REPLEVIN.

31 THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

32 SC. To the sheriffs of our several counties ~~and to~~ their deputies, [or to a certified](#)  
33 [constable](#).

34 (SEAL)

Greeting:

1 We command you that you replevy, if to be found within your precinct, the goods and  
2 chattels following, viz.: (Here enumerate and particularly describe them) belonging to  
3 ..... of ..... now taken (detained, or attached as the case may be)  
4 by ..... of ..... at ..... in the county of  
5 ..... and them deliver unto the said ....., provided  
6 the same are not taken, attached, or detained upon original writ, mesne process, warrant of  
7 distress, or upon execution as the property of the said .....; and  
8 summon the said ..... to appear on the return-day hereof (said return-day being the  
9 day of ..... A. D. 19.....) in the SUPERIOR COURT to be holden at the  
10 county courthouse at ....., to answer unto the said ..... in a plea  
11 of replevin that the said ..... on the day of ..... at said  
12 ..... unlawfully, and without justifiable cause, took the goods and chattels of the  
13 said ..... as aforesaid, and them unlawfully detained unto this day, (or, unlawfully  
14 detained the goods and chattels aforesaid, as the case may be) to the damage of the said  
15 ....., as he says, ..... dollars.

16 Hereof fail not, and make true return of this writ with your doings thereon, together with  
17 the bond you shall take of the plaintiff.

18 Witness, the seal of our superior court, at ..... this day of  
19 ..... in the year .....

20 ..... , Clerk.

21 SECTION 9. Chapter 9-5 of the General Laws entitled "Writs, Summons and Process" is  
22 hereby amended by adding thereto the following sections:

23 **9-5-10.1. Certification of constables.** – (a) A person at least twenty-one (21) years of  
24 age who complies with the statute and the requirements set forth in any regulations promulgated  
25 by the department of business regulation may file an application with the department requesting  
26 that the applicant be certified as a constable. Once issued by the department, such certification  
27 shall be effective for a period of two (2) years or until such approval is withdrawn by the  
28 department. Such certified constable shall be entitled to serve or execute writs and process in such  
29 capacity for any court of the state, anywhere in the state subject to any terms and limitations as  
30 set forth by the court, and in such number as determined by the chief judge of the district court.

31 (b) Certification process.

32 (1) Application.

33 (i) Any person seeking certification pursuant to this section shall complete an application  
34 and submit it to the department of business regulation in the form designated by the department

1 for such applications.

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

4 (2) Referral to certified constables' board.

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

8 (3) Training.

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

14 (ii) Training shall consist of a minimum of ninety (90) hours to be completed within  
15 ninety (90) days from the date of the referral by the board.

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

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

22 (4) Oral and written tests.

23 (i) Upon the successful completion of the training period and recommendation from the  
24 training constable, within ninety (90) days, the applicant shall complete an oral examination on  
25 the legal and practical aspects of certified constables' duties which shall be created and  
26 administered by the board.

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

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

33 (5) Final review. The department shall review the application, training record, test scores,  
34 and such other information or documentation as required and shall determine whether the

1 applicant shall be approved for certification and the person authorized to serve process in the  
2 state.

3 **9-5-10.2. Posting of bond by certified constables.** -- Upon filing of the application and  
4 training required by § 9-5-10.1, an applicant shall submit an application fee in the amount of four  
5 hundred dollars (\$400) and deposit a bond with sufficient sureties in the sum of ten thousand  
6 dollars (\$10,000) for the faithful performance of the duties of his or her office conditioned to  
7 protect members of the public and persons contracting with the certified constable against any  
8 damage arising from any actionable misconduct on the part of the applicant while serving as a  
9 certified constable. The terms of the bond shall include notification by the surety issuing the bond  
10 to the department if the bond is revoked, cancelled, or otherwise not in effect. Failure to keep the  
11 bond in effect shall be grounds for revocation of the certification to act as a constable.

12 **9-5-10.3. Powers and authority of certified constables.** -- (a) No certified constable  
13 shall display any badge, emblem or certification in the course of his or her duties except that  
14 which is issued or authorized by the department of business regulation, nor shall any certified  
15 constable misrepresent himself or herself as a law enforcement officer or peace officer.

16 (b) Certified constables shall have no power or authority other than to serve process and  
17 execute writs as provided by this section.

18 (c) The powers and authority of any constable who is presently approved to serve process  
19 by the district court shall continue in full force and effect until such time that his or her  
20 application for certification is approved in accordance with the certification process set forth in §  
21 9-5-10.5, but in no event shall such period exceed two (2) years.

22 (d) No certified constable, while serving or executing any process or writ issued by or  
23 returnable to the court, is liable in any civil action to respond in damages as a result of his or her  
24 acts of commission or omission arising directly out of his or her negligent serving or executing  
25 the process or writ except as provided in § 9-5-10.5. In the event a civil action is brought against  
26 a certified constable as the result of the performance of his or her duties, the constable is entitled  
27 to recover all costs and attorney's fees incurred by the certified constable incidental to the civil  
28 action.

29 **9-5-10.4. Renewal of certification of certified constables.** -- A certified constable shall  
30 be required to renew his or her certification every two (2) years. Any certified constable failing to  
31 renew his or her certification shall no longer be approved to serve as a certified constable. At the  
32 time of renewal, the certified constable shall submit a renewal application fee of four hundred  
33 dollars (\$400) and provide evidence that he or she has completed ten (10) hours of approved  
34 continuing education in the areas of service of process within the prior twenty-four (24) month



1 period, and such courses shall be approved by the Independent Constables Association, Inc.  
2 and/or the Rhode Island Constables, Inc., along with proof of sufficient bond, a current criminal  
3 background check, and current contact information. Failure to provide any of these items shall be  
4 grounds to deny renewal of the certification.

5 **9-5-10.5. Suspension, revocation or review of certification of certified constables. –**

6 (a) Upon the receipt of a written complaint, request of the board, request of a judge of any court,  
7 or upon its own initiative, the department shall ascertain the facts and, if warranted, hold a  
8 hearing for the reprimand, suspension or revocation of a certification. The director, or his or her  
9 designee, has the power to refuse a certification for cause or to suspend or revoke a certification  
10 or place an applicant on probation for any of the following reasons:

11 (1) The certification was obtained by false representation, or by fraudulent act or conduct;

12 (2) Failure to report to the department any of the following within thirty (30) days of the  
13 occurrence:

14 (i) Any criminal prosecution taken in any jurisdiction. The constable shall provide the  
15 initial complaint filed and any other relevant legal documents;

16 (ii) Any change of name, address or other contact information;

17 (iii) Any administrative action taken against the constable in any jurisdiction by any  
18 government agency within or outside of this state. The report shall include a copy of all relevant  
19 legal documents.

20 (3) Failure to respond to the department within ten (10) days to any written inquiry from  
21 the department;

22 (4) Where a certified constable, in performing or attempting to perform any of the acts  
23 mentioned in this section, is found to have committed any of the following:

24 (i) Inappropriate conduct which fails to promote public confidence including failure to  
25 maintain impartiality, equity and fairness in the conduct of his or her duties;

26 (ii) Neglect, misfeasance or malfeasance of his or her duties;

27 (iii) Failure to adhere to court policies, rules, procedures or regulations;

28 (iv) Failure to maintain the highest standards of personal integrity, honesty and  
29 truthfulness; including misrepresentation, bad faith, dishonesty, incompetence, or an arrest or  
30 conviction of a crime.

31 (5) A copy of the determination of the department of business regulation or his or her  
32 designee shall be forwarded to the chief judge of the district court within ten (10) business days.

33 (b) Nothing herein shall be construed to prohibit the chief of any court from suspending  
34 the certification of a constable to serve process within his or her respective court pending the

1 [outcome of an investigation consistent with the provisions of chapter 35 of title 42.](#)

2 **9-5-10.6. Certified constables' board.** – [\(a\) There shall be created a certified constables'](#)  
3 [board, which shall review each applicant and recommend him or her for training, conduct the oral](#)  
4 [examination of each applicant, and which shall serve as a resource to the chief judge and the](#)  
5 [department in the consideration of the practical aspects of constable practice. The board shall](#)  
6 [consist of five \(5\) members: two \(2\) who shall be constables in good standing who have served](#)  
7 [for at least ten \(10\) years, one of whom shall be appointed by the Rhode Island Constables, Inc.](#)  
8 [and one appointed by the Rhode Island Constables Association; and three \(3\) attorneys who shall](#)  
9 [be licensed to practice law by the supreme court in good standing who shall be appointed by the](#)  
10 [chief judge of the district court. Members of the constables' board shall serve for terms of five \(5\)](#)  
11 [years, until a successor is appointed and qualified.](#)

12 [\(b\) A representative of the board may attend hearings in order to furnish advice to the](#)  
13 [department. The board may also consult with the department of business regulation from time to](#)  
14 [time on matters relating to constable certification.](#)

15 SECTION 10. Sections 9-10-1 and 9-10-2 of the General Laws in Chapter 9-10 entitled  
16 "Selection of Jury" are hereby amended to read as follows:

17 **9-10-1. Notice by court of jurors required -- Notifications to sergeants and**  
18 **constables. --** From time to time as occasion may require, the superior court or family court shall  
19 direct notices to be sent by the clerk thereof to the jury commissioner that there will be required  
20 for the county or counties for which the court is held a certain number of grand or petit jurors and  
21 the time and place at which they are required to attend. And the jury commissioner on receiving  
22 the notice shall take from the list of jurors qualified as provided in chapter 9 of this title, in the  
23 order in which their names appear on the jury list, so many names as may be required to insure  
24 the attendance of the number of jurors required by the court, and shall issue notifications to the  
25 city or town sergeant or any [certified](#) constable ~~of the town where the jurors reside~~, either in  
26 person or by one of his or her assistants or by registered or certified mail, and under his or her  
27 hand and seal, designating who are grand and petit jurors, and the time and place at which the  
28 jurors are required to attend. Upon consent of the town sergeant of the town where any juror  
29 resides, the jury commissioner may retain the notifications for service by the jury commissioner  
30 or his or her agents.

31 **9-10-2. Service of notice on jurors. --** The city or town sergeant or [certified](#) constable,  
32 upon receipt of the notification as provided in section 9-10-1, shall forthwith make service of the  
33 notification upon the persons named therein as jurors by delivering to each of them, or by leaving  
34 at their last and usual place of abode, a notice substantially in the following form:

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Sc.

TO ..... Greeting:

You are hereby notified that you have been drawn as a juror for the superior or family court for the county (or counties) of ..... and you are required to attend the said court be holden at .....on the ..... day of ....., at ..... o'clock in the forenoon.

Sergeant.

Constable.

~~For warning each person the town sergeant or constable shall be paid fifty cents (\$.50) out of the town treasury.~~ The jury commissioner or his or her agents, having retained the notifications in accordance with § 9-10-1, shall forthwith serve the notifications in the same form as contained in this section by regular mail.

SECTION 11. Section 9-25-9 of the General Laws in Chapter 9-25 entitled "Execution" is hereby amended to read as follows:

**9-25-9. Form of superior court writs of possession.** -- (a) Writs of possession issuing from the superior court shall be substantially in the following form:

THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

SC.

To the sheriffs of our several counties or to their deputies or to a certified constable,

(SEAL) .....; .....; Greeting:

Whereas ..... of ..... by the consideration of the SUPERIOR COURT holden at ..... did on the ..... day of ..... recover judgment for the possession of ..... with the privileges and appurtenances thereto belonging against ..... of ..... who had unjustly withholden ..... from the possession thereof, and also by the consideration of the same court recovered judgment against the said ..... for the sum ..... of costs of suit, as to us appears of record, whereof execution remains to be done: We command you, therefore, that without delay you cause the said ..... to have possession of and in the said ..... with the privileges and appurtenances thereunto belonging. We also command you that of the goods and chattels and real estate of the said ....., within your precinct, you cause to be levied and paid to the said ..... the aforesaid sum of ..... ~~with 50 cents more for this writ~~, and thereof also to satisfy yourself for your own fees; ]nd for want of the goods and chattels and real estate of the said ..... to be found in

1 your precinct to satisfy and pay the same as aforesaid, we command you to take the body of the  
2 said ..... and ..... commit unto our correctional institution in your precinct,  
3 therein to be kept until ..... pay the full sum above mentioned, with your fees, or until  
4 ..... be discharged by the said ..... or otherwise by order of law.[]

5 Hereof fail not, and make true return of this writ and of your doings thereon to our  
6 superior court at ..... on the ..... day of ..... A.D. ....

7 Witness, the seal of our superior court at ..... this ..... day of  
8 ..... in the year ..... , Clerk.

9 (b) If an officer, serving an execution issued under this section on a judgment for the  
10 plaintiff for possession of land or tenements, removes personal property belonging to a person  
11 other than the plaintiff from the land or tenements and places it upon the sidewalk, highway,  
12 street, or way on which land or tenements abut, he or she may forthwith and before the expiration  
13 of the time limited in any statute or ordinance for the removal of obstructions in the street,  
14 remove the personal property and cause it to be stored for the benefit of the owners thereof.

15 (c) Whoever accepts the personal property on storage from the officer shall have a lien  
16 thereon for reasonable storage fees and for reasonable expenses of removing it to the place of  
17 storage, but the lien shall not be enforced by sale of the property until the property has been kept  
18 on storage for at least thirty (30) days.

19 (d) If the owner of the property is present and claims it when it is so removed from the  
20 land or tenements, the officer shall not remove and store it, and his or her act of placing it upon  
21 the sidewalk, highway, street, or way shall be deemed to be the act of the owner, who alone shall  
22 be held to answer therefor.

23 SECTION 12. Section 11-8-6 of the General Laws in Chapter 11-8 entitled "Burglary and  
24 Breaking and Entering" is hereby amended to read as follows:

25 **11-8-6. Entry to steal poultry -- Arrest -- Fine. --** Every person who breaks and enters,  
26 or enters in the nighttime without breaking, any building or enclosure in which are kept or  
27 confined any kind of poultry, with intent to steal any of the poultry, shall be punished by  
28 imprisonment for not more than five (5) years, or by a fine of not more than five hundred dollars  
29 (\$500), or both. Every person who is discovered in the act of willfully entering any building or  
30 enclosure in which are kept or confined any kind of poultry, with intent to steal any of the  
31 poultry, may be arrested without a warrant by a deputy sheriff, [town](#) constable, guard, police  
32 officer, or other person and detained in jail or otherwise until a complaint can be made against  
33 him or her for the offense, and until he or she is taken on a warrant issued upon the complaint, but  
34 detention without a warrant shall not continue more than twenty-four (24) hours. One-half (1/2)

1 of any fine imposed under this section shall inure to the complainant.

2 SECTION 13. Section 11-12-9 of the General Laws in Chapter 11-12 entitled "Dueling  
3 and Fighting" is hereby amended to read as follows:

4 **11-12-9. Arrest of fighters. --** A deputy sheriff, town sergeant, [town](#) constable or police  
5 officer shall immediately arrest in any county any person violating any of the provisions of §§ 11-  
6 12-6 -- 11-12-8, and shall detain the person until a warrant can be obtained for his or her arrest.

7 SECTION 14. Section 11-17-11 of the General Laws in Chapter 11-17 entitled "Forgery  
8 and Counterfeiting" is hereby amended to read as follows:

9 **11-17-11. Seizure and destruction of counterfeits and counterfeiting devices. --**  
10 Whenever the existence of any false, forged, or counterfeit bank bills or notes, or any plates, dies,  
11 or other tools, instruments, or implements used by counterfeiters or designed for the forging or  
12 making of any false or counterfeit notes, coin, or bills, shall come to the knowledge of any deputy  
13 sheriff, [town](#) constable or police officer in this state, the officers shall immediately seize and take  
14 possession of it and deliver it into the custody of the superior court for the county in which it shall  
15 be, and the court shall, as soon as the ends of justice will permit, cause it to be destroyed by an  
16 officer of the court, which officer shall make a return to the court of his or her doings in the  
17 premises.

18 SECTION 15. Section 11-30-8 of the General Laws in Chapter 11-30 entitled  
19 "Nuisances" is hereby amended to read as follows:

20 **11-30-8. Entry by police officers of premises -- Commanding departure of persons**  
21 **found. --** The sheriffs of the several counties and their deputies, and the town sergeants, [town](#)  
22 constables, and chiefs of police of the several towns and cities may, within their respective towns  
23 and counties, enter any house or building which they have cause to suspect to be inhabited for  
24 purposes of prostitution and lewdness, to be resorted to by persons of ill fame or by persons of  
25 dissolute, idle, or disorderly character, or in which they have reasonable cause to believe  
26 intoxicating liquors are sold in violation of law, or unlawful games are carried on or permitted, or  
27 in which they have reasonable cause to believe a common nuisance is kept or maintained. Upon  
28 entering the house or building they may command all persons assembled there to immediately  
29 depart from the house or building. In the event of the neglect or refusal of any person so  
30 commanded to leave, they may arrest that person and hold him or her for a period not exceeding  
31 twenty-four (24) hours for prosecution. Every person who shall so refuse or neglect shall be  
32 deemed guilty of a misdemeanor and shall be fined not exceeding twenty dollars (\$20.00) or be  
33 imprisoned not exceeding thirty (30) days.

34 SECTION 16. Section 11-43-10 of the General Laws in Chapter 11-43 entitled "Treason

1 and Related Offenses" is hereby amended to read as follows:

2 **11-43-10. Arrest and commitment of persons charged.** -- Whenever any person shall  
3 be adjudged to be probably guilty of any offense under this chapter, he or she may be committed  
4 to the adult correctional institutions in any county, there to remain until discharged by order of  
5 law, and warrant of commitment shall issue accordingly, directed to the division of sheriffs or to  
6 either of the city or town sergeants or [town](#) constables in the same county with himself or herself,  
7 and to the warden of the adult correctional institutions, which warrant may be executed by the  
8 officer charged with it, although beyond his or her precinct, and shall constitute him or her, while  
9 charged with it, an officer, the obstructing of whom, while in the execution of this office, shall be  
10 punished as is or may be by law in other cases provided.

11 SECTION 17. Section 11-44-3 of the General Laws in Chapter 11-44 entitled "Trespass  
12 and Vandalism" is hereby amended to read as follows:

13 **11-44-3. Arrest and detention of persons taking fruits and vegetables.** -- Every deputy  
14 sheriff, town or city sergeant, [town](#) constable, or police officer, who shall discover any person or  
15 persons in the act of taking and carrying away any growing fruit or vegetables as prohibited by §  
16 11-44-2, shall arrest that person or persons and detain the person or persons in custody until a  
17 complaint can be made against him, her, or them for the offense for which he, she, or they shall  
18 have been arrested and until he, she, or they be taken on a warrant issued upon the complaint;  
19 provided, that the arrest and detention without a warrant shall not continue longer than the space  
20 of twenty-four (24) hours.

21 SECTION 18. Sections 11-47-17 and 11-47-43 of the General Laws in Chapter 11-47  
22 entitled "Weapons" are hereby amended to read as follows:

23 **11-47-17. Qualifications required of law enforcement officers appointed after June**  
24 **17, 1959.** -- Except as provided in § 11-47-15.3, all law enforcement officers of this state and its  
25 political subdivisions whose permanent appointment shall take place after June 17, 1959, will be  
26 required to qualify with the pistol or revolver with which they are armed prior to their permanent  
27 appointment, that qualification to be the same as that required in § 11-47-15. [Town constables or](#)  
28 [police](#) ~~Constables~~ [constables](#), special officers, and all law enforcement officers who by law are  
29 authorized to carry side-arms and whose appointments are made on a recurring basis will be  
30 required to qualify not later than one year following the date of enactment of this section, and  
31 their commissions or warrants will be plainly marked or stamped "QUALIFIED WITH PISTOL  
32 OR REVOLVER" and will be signed and dated by the certifying authority attesting to that fact.  
33 The failure of any law enforcement officer to qualify under the provisions of this section revokes  
34 his or her privilege of carrying a pistol or revolver, whether concealed or not, on or about his or

1 her person. All law enforcement officers of this state and its political subdivisions will repeat this  
2 qualification at periods of not more than one year, except for correctional officers who must  
3 repeat this qualification every two (2) years.

4 **11-47-43. Collectors and police officers exempt from section 11-47-42. --** The  
5 provisions of § 11-47-42, so far as they forbid the possession of certain instruments or weapons,  
6 shall not apply to any person who possesses or is making a collection of the weapons as curios or  
7 for educational, professional, scientific, or any other lawful purpose, without intent to use the  
8 instrument or weapon unlawfully. Nor shall the provisions of § 11-47-42, so far as they relate to  
9 the possession or carrying of any billy, apply to sheriffs, [town constables](#), [police constables](#),  
10 police, or other officers or guards whose duties require them to arrest or to keep and guard  
11 prisoners or property, nor to any person summoned by those officers to aid them in the discharge  
12 of their duties while actually engaged in their duties.

13 SECTION 19. Section 12-1-14 of the General Laws in Chapter 12-1 entitled  
14 "Identification and Apprehension of Criminals" is hereby amended to read as follows:

15 **12-1-14. Body attachment -- Nonsupport of children. --** (a) Any body attachment  
16 issued by the family court in a case involving the bureau of family support relating to the  
17 nonsupport of children shall be entered into the state and police telecommunications system  
18 known as the Rhode Island Law Enforcement Telecommunications System, "RILETS". The  
19 family court shall be responsible for transmitting all body attachments and cancellations of them  
20 to the attorney general's bureau of criminal identification for distributing the body attachment  
21 information into RILETS. Within the body attachment, the information entered in RILETS shall  
22 include date of birth and social security number when available. The family court shall be  
23 responsible for transmitting information regarding all body attachments and cancellations to the  
24 attorney general's bureau of criminal identification for entering the body attachment information  
25 into RILETS. The family court shall transmit the original body attachment to the attorney  
26 general's bureau of criminal identification.

27 (b) Any peace officer as defined in § 12-7-21 [or certified constable authorized pursuant](#)  
28 [to § 9-5-10.1](#) shall have the authority to execute a body attachment as issued by the family court  
29 pursuant to § 8-10-3.1.

30 SECTION 20. Section 12-4-2 of the General Laws in Chapter 12-4 entitled  
31 "Recognizance to Keep the Peace" is hereby amended to read as follows:

32 **12-4-2. Warrant to apprehend accused. --** If the complainant shall then, before the  
33 judge or justice of the peace, enter into a recognizance in a sum not exceeding fifty dollars  
34 (\$50.00), and with this surety, as the judge or justice of the peace shall direct and approve, with

1 condition to prosecute the complaint with effect, or in default of prosecution to pay the costs that  
2 may accrue to the state, the judge or justice of the peace shall issue a warrant returnable  
3 immediately, annexing to the warrant the complaint, or reciting its substance in it, directed to the  
4 sheriff, deputy sheriffs, town sergeants, and [town](#) constables in the county in which the division  
5 is, and to the like officers in the county in which the accused may be supposed to belong, reside,  
6 or be found, and requiring the officer who shall be charged with the service of the warrant  
7 immediately to apprehend the accused and have him or her before the district court for the  
8 division in which the offense shall be alleged to have been committed.

9 SECTION 21. Section 12-6-7 of the General Laws in Chapter 12-6 entitled "Warrants for  
10 Arrest" is hereby amended to read as follows:

11 **12-6-7. Warrants issued to other divisions.** -- Whenever any judge of the district court,  
12 or any justice of the peace, shall issue his or her warrant against any person charged with an  
13 offense committed in a division of the district court, and the person so charged shall escape into,  
14 reside, or be in any other county than the one in which the division is, the judge or justice of the  
15 peace may direct his or her warrant to each and all deputy sheriffs, city or town sergeants, and  
16 [town](#) constables within the state, requiring them to apprehend the person and bring him or her  
17 before the division of the district court having jurisdiction of the offense, to be dealt with  
18 according to law; 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.

20 SECTION 22. Section 12-7-17 of the General Laws in Chapter 12-7 entitled "Arrest" is  
21 hereby amended to read as follows:

22 **12-7-17. Arrest of escapees and parole violators without warrant.** -- The director of  
23 the department of corrections, the warden of the adult correctional institutions, any superintendent  
24 or employees connected with any institution under the management and control of the department  
25 of corrections, or any police officer or [town](#) constable, may arrest, without a warrant any person  
26 who has escaped from any institution, or who, being absent from the institution on parole, has  
27 violated the conditions of the parole, for the purpose of returning the person to the institution  
28 from which the escape was made or from which the parole was granted.

29 SECTION 23. Section 12-13-2 of the General Laws in Chapter 12-13 entitled "Bail and  
30 Recognizance" is hereby amended to read as follows:

31 **12-13-2. Warrant for apprehension of accused person.** -- Any court before which an  
32 indictment or information shall be found or be pending, and any court before which a complaint  
33 shall be made or be pending, against any person for an offense of which the court has cognizance,  
34 may issue a warrant directed to each and all deputy sheriffs, town sergeants, and [town](#) constables



1 within the state requiring them to apprehend the person and bring him or her before the court, if  
2 the court is in session, or if not, to commit him or her to jail in the county in which the  
3 indictment, information, or complaint is pending, there to be kept until he or she shall be brought  
4 before the court, or until he or she shall give recognizance before some person authorized to take  
5 recognizance for the offense, with sufficient surety or sureties in the sum named in the warrant, if  
6 any sum is named in the warrant, and, if not, in the sum as the person taking the recognizance  
7 shall deem reasonable if the offense is bailable, to appear before the court in which the  
8 indictment, information, or complaint is pending, at the time required by the person so taking the  
9 recognizance, and to answer the indictment, information, or complaint; provided, that the prisoner  
10 may give the recognizance while in the custody of the officer before he or she is committed to jail  
11 before some person authorized to take recognizance for the offense, and upon taking  
12 recognizance the officer shall discharge the prisoner from his or her custody. The officers to  
13 whom the warrant shall be directed are required to obey and execute it, and in its execution shall  
14 be protected from obstruction and assault, as in the service of other process.

15 SECTION 24. Section 12-19-31 of the General Laws in Chapter 12-19 entitled "Sentence  
16 and Execution" is hereby amended to read as follows:

17 **12-19-31. Commitment for nonpayment of fines and costs.** -- Whenever any person  
18 shall be committed for nonpayment of fines and costs, the sheriffs of the several counties and  
19 their deputies, and the town sergeants and [town](#) constables of any town in the several counties,  
20 upon due warrant from the court before whom the person has been convicted, may lawfully  
21 remove and commit the persons to the adult correctional institutions, and they shall be allowed  
22 any fees that are now provided by law in similar cases; provided, that in the counties of Newport  
23 and Washington any person before removal from the county of Newport, or the county of  
24 Washington, in which sentence is entered, may pay the fine and costs into the court or into the  
25 office of the clerk of the court in which sentence is imposed, and upon payment shall be  
26 discharged.

27 SECTION 25. Section 12-21-23 of the General Laws in Chapter 12-21 entitled  
28 "Recovery of Fines, Penalties, and Forfeitures" is hereby amended to read as follows:

29 **12-21-23. Seizure and retention of forfeited property.** -- Whenever any personal  
30 property shall be forfeited for any violation of law, any deputy sheriff, town sergeant, or [town](#)  
31 constable, or any person by law authorized to seize the property, may take and retain the property  
32 until he or she shall deliver it to a proper officer having a warrant to take and detain the property.

33 SECTION 26. Section 15-15-4.1 of the General Laws in Chapter 15-15 entitled  
34 "Domestic Abuse Prevention" is hereby amended to read as follows:

1           **15-15-4.1. Return of service/alternate service.** -- (a) The complaint and any order  
2 issued under this chapter shall be personally served upon the defendant by a member of the  
3 division of sheriffs except as provided in subsections (c), (d) and (f) of this section. Service shall  
4 be made without payment of any fee when service is made by a deputy sheriff. At the election of  
5 the plaintiff, service, pursuant to the subsection, may also be made by a [certified](#) constable  
6 authorized to serve process ~~of the family court~~ pursuant to ~~§ 45-16-4.3~~ [§ 9-5-10.1](#). The constable  
7 shall be entitled to receive the fee allowed by law for the service of a family court summons.  
8 Where the defendant is a minor, the complaint and any order issued under this chapter shall also  
9 be personally served upon a parent or guardian of the minor.

10           (b) Return of service shall be forwarded by the deputy sheriff or [certified](#) constable to the  
11 clerk of court prior to the date set down for a hearing on the complaint. If service has not been  
12 made, the deputy sheriff or constable shall indicate on the summons the reason and the attempts  
13 made to serve the defendant.

14           (c) At the time the return of service is sent to the clerk of the court, the deputy sheriff or  
15 [certified](#) constable shall cause a copy of the return of service to be sent to the plaintiff and to the  
16 appropriate law enforcement agency.

17           (d) If, at the time of the hearing on the complaint, the court determines that after diligent  
18 effort the deputy sheriff or [certified](#) constable has been unable to serve the defendant personally,  
19 the judge may order an alternate method of service designed to give reasonable notice of the  
20 action to the defendant and taking into consideration the plaintiff's ability to afford the means of  
21 service ordered. Alternative service shall include, but not be limited to: service by certified and  
22 regular mail at defendant's last known address (excluding the residence which he or she has been  
23 ordered to vacate) or place of employment, leaving copies at the defendant's dwelling or usual  
24 place of abode with a person of suitable age and discretion residing at the defendant's dwelling or  
25 usual place of abode, or by publication in a newspaper for two (2) consecutive weeks. The court  
26 shall set a new date for the hearing on the complaint and shall extend the temporary order until  
27 that date.

28           (e) If the defendant appears in person before the court, the necessity for further service is  
29 waived and proof of service of that order is not necessary.

30           (f) If the defendant is served notice regarding the complaint and hearing, but does not  
31 appear at the hearing, the clerk of the family court will mail the defendant a copy of the resulting  
32 order.

33           SECTION 27. Section 17-19-21 of the General Laws in Chapter 17-19 entitled "Conduct  
34 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

1           **17-19-21. Arrangement of polling places -- Election officials -- Police officers. --** (a)

2       The polling places shall be established, equipped, and furnished with the paraphernalia necessary  
3       for the conduct of each election, by the officers and in the manner provided by this title. There  
4       shall be placed, outside each polling place, a clearly marked sign to be provided by the state  
5       board of elections indicating the location of the polling place. This sign shall be of a conspicuous  
6       nature, and shall be visible from the street. The area within which the balloting is conducted shall  
7       be arranged with a guard rail having one place for entrance and another place for exit. The rail  
8       shall be placed so that only persons admitted inside the rail can approach within five (5) feet of  
9       any voting booth or optical scan precinct count unit. The voting booths and optical scan precinct  
10      count unit shall be placed so that the warden and the clerk shall always have a clear view of the  
11      front of each voting booth and the optical scan unit. It shall be the duty of the warden to direct the  
12      location of the voting equipment in relation to the guard rail and the posts of the warden and the  
13      clerk so as to enforce the requirements of this section.

14           (b) One bipartisan pair of supervisors, the clerk, and the warden shall be stationed, in  
15      that order, along the guard rail so that a voter desiring to cast a ballot will pass first in front of the  
16      bipartisan pair, then in front of the clerk, and finally in front of the warden. A second bipartisan  
17      pair shall be stationed within the guard rail and shall be available to relieve the first bipartisan  
18      pair or the clerk, and to assist voters within the limits prescribed by this title. The second  
19      bipartisan pair, when not engaged in the preceding duties, shall watch the voters in and about the  
20      voting equipment and shall call to the attention of the warden any violation, or circumstance  
21      suggesting a violation, of the provisions of this title.

22           (c) The chiefs of police of cities and towns, and town sergeants of towns having no chief  
23      of police, shall detail a certain number of police officers to each polling place as may be  
24      requested by the local board. The police officers shall preserve order at each polling place and  
25      within two hundred (200) feet of the polling place. It shall be the duty of every police officer or  
26      other peace officer or [town or police](#) constable to arrest without warrant any person detected in  
27      the act of violating the provisions of this chapter, but no arrest shall be made without the approval  
28      of the warden.

29           (d) The election officials provided in subsections (a) and (b) of this section shall be  
30      provided with, and shall be required to prominently display upon their persons, identification  
31      badges which shall designate that person as an election official. Powers and duties of all  
32      designated election officials at polls shall be posted in a conspicuous and prominent location  
33      within the voting place, preferably with the posted sample ballot.

34           SECTION 28. Section 19-26-13 of the General Laws in Chapter 19-26 entitled

1 "Pawnbrokers" is hereby amended to read as follows:

2 **19-26-13. Search of premises on warrant.** -- Whenever complaint shall be made by any  
3 person, on oath to a judge, that any property belonging to that person has been lodged or pledged  
4 without his or her consent with any pawnbroker and that the complainant believes the property to  
5 be in some house or place within the county where the complaint is made, the judge shall, if  
6 satisfied of the reasonableness of that belief, issue a warrant directed to the division of sheriffs, or  
7 to either of the town sergeants or [town](#) constables in the county, commanding them to search for  
8 the property alleged to have been so lodged or pledged and to seize and bring the property before  
9 the division of the district court. The warrant shall be issued and served as search warrants are  
10 now by law required to be issued and served.

11 SECTION 29. Section 23-9-10 of the General Laws in Chapter 23-9 entitled "Quarantine  
12 of Vessels" is hereby amended to read as follows:

13 **23-9-10. Enforcement by sheriffs, sergeants, and constables.** -- Every sheriff, deputy  
14 sheriff, town sergeant, and [town](#) constable shall carry the rules and regulations of the city or town  
15 council within his or her precinct into effect.

16 SECTION 30. Section 28-52-2 of the General Laws in Chapter 28-52 entitled  
17 "Workplace Violence Protection" is hereby amended to read as follows:

18 **28-52-2. Workplace violence protection.** -- (a) If an employer, or an employer's  
19 employee(s) or invitee(s) have: (1) suffered unlawful violence by an individual; or (2) received a  
20 threat of violence by an individual which can reasonably be construed as a threat which may be  
21 carried out at the worksite; or (3) been stalked or harassed at the worksite; the employer may (in  
22 addition to, or instead of, filing criminal charges against the individual) seek a temporary  
23 restraining order, a preliminary injunction, and an injunction pursuant to Rule 65 of the Superior  
24 Court Rules of Civil Procedure, prohibiting further unlawful acts by that individual at the  
25 worksite, which shall include any place at which work is being performed on behalf of the  
26 employer.

27 (b) Proof (by affidavit in an ex parte hearing, or by a preponderance of the evidence in  
28 any other hearing) of any action described in subsection (a) of this section shall constitute  
29 irreparable harm or damage to the employer, or employer's employee(s) or invitee(s). Upon  
30 granting of any restraining order, preliminary injunction, or injunction, the court may, among  
31 other appropriate orders:

32 (1) Order the defendant not to visit, assault, molest, or otherwise interfere with the  
33 employer or the employer's operations, or the employer's employee(s) or invitee(s) at the  
34 employer's worksite;

1 (2) Order the defendant to cease stalking the employer's employee(s) or invitee(s) at the  
2 employer's worksite;

3 (3) Order the defendant to cease harassment of the employer or the employer's  
4 employee(s) or invitee(s) at the employer's worksite;

5 (4) Order the defendant not to abuse or injure the employer, including the employer's  
6 property, or the employer's employee(s) or invitee(s) at the employer's worksite;

7 (5) Order the defendant not to telephone the employer or the employer's employee(s) or  
8 invitee(s) at the employer's worksite;

9 (6) Order any other necessary and appropriate relief as deemed appropriate in the  
10 discretion of the court.

11 (c) When necessary to protect the employer or the employer's employee(s), invitee(s), or  
12 property, and when authorized by the court, temporary restraining orders, preliminary injunctions,  
13 and injunctions granted pursuant to the provisions of this act may be served upon the defendant  
14 by a peace officer, sheriff, [certified](#) constable, or policeman, or other officer whose duty it is to  
15 preserve the peace, with appropriate orders to these officials to enforce the court's order.

16 (d) All orders and injunctions issued pursuant to the provisions of this act shall have  
17 statewide validity, unless specifically modified or terminated by the issuing judge, and may be  
18 enforced by the issuing court for any violation anywhere in the state, and by any court of  
19 competent jurisdiction within the state for violations which may occur within that court's  
20 jurisdiction.

21 (e) An employer and an employer's agents who act in accord with the provisions of this  
22 act shall be presumed to be acting in good faith and, unless lack of good faith is shown by clear  
23 and convincing evidence, are immune from civil liability for actions taken under this chapter.

24 (f) Any employer, or its employee(s) or invitee(s), which does not utilize the procedures  
25 authorized by this act, shall not be liable for negligence nor shall evidence of the same be  
26 admissible as evidence of negligence.

27 (g) In no event shall this chapter be construed to prevent lawful picketing or lawful  
28 demonstrations including, but not limited to, those related to a labor dispute.

29 SECTION 31. Section 30-9-11 of the General Laws in Chapter 30-9 entitled "Military  
30 Property" is hereby amended to read as follows:

31 **30-9-11. Search warrant.** -- Any court of the state empowered to issue search warrants,  
32 on complaint on oath made to it by the adjutant general, by any commissioned officer authorized  
33 by the adjutant general, or by, any commanding officer of any organization, unit, or separate  
34 detachment of the national guard, that any arms, ammunition, uniforms, equipment, supplies, or

1 other military property of the state or for which the state is responsible is unlawfully being  
2 withheld by any person within the jurisdiction of the court, and where the military property is  
3 believed to be in a particular place specified in the complaint, shall issue to any deputy sheriff,  
4 town sergeant, member of any municipal or state police, or [town](#) constable a warrant in the nature  
5 of a search warrant, commanding him or her in the name of the state diligently to search the  
6 house or place described therein, in the daytime and upon the finding of the military property the  
7 court issuing the warrant shall order the property to be delivered to the officer making the  
8 complaint.

9 SECTION 32. Section 31-2-3 of the General Laws in Chapter 31-2 entitled "Division of  
10 Motor Vehicles" is hereby amended to read as follows:

11 **31-2-3. Enforcement duties of administrator.** -- (a) The administrator of the division of  
12 motor vehicles is vested with the power and is charged with the duty of observing, administering  
13 and enforcing the provisions of chapters 1 -- 50 of this title and of all laws regulating the  
14 operation of vehicles, or the use of the highways, the enforcement or administration of which is  
15 now or hereafter vested in the division of motor vehicles.

16 (b) The administrator shall appoint any subordinates he or she may require for the proper  
17 performance of his or her duties. The administrator and any subordinates designated by the  
18 administrator shall have and exercise throughout this state the same authority to make arrests for  
19 violations of statutes relating to motor vehicles and to enforce those statutes as police or [town](#)  
20 constables have in their respective jurisdictions, including the power of arrest without warrant for  
21 any violation of title 31. The administrator and any subordinates designated by the administrator  
22 may serve all process lawfully issued by the administrator. Whenever a complaint is made of any  
23 violation of the provisions of the aforementioned chapters by the administrator of the division of  
24 motor vehicles, or those subordinates designated by him or her to enforce these provisions, he or  
25 she shall not be required to furnish surety for cost or be liable for cost upon any complaint. The  
26 administrator and any subordinates he or she may designate may bear and use firearms and may  
27 be equipped with uniforms as prescribed by the administrator of motor vehicles in accordance  
28 with the policing and enforcing provisions as prescribed by this section.

29 (c) The administrator may provide for training for those persons designated with  
30 authority to make arrests and shall issue to each such person credentials showing his or her  
31 identity and these credentials shall be carried upon their person while in the discharge of his or  
32 her duties.

33 (d) At no time may any subordinate authorized to make arrests stop a motorist for any  
34 violation of the motor vehicle law while the motorist is operating a vehicle upon any highway of

1 this state, unless that subordinate is operating or riding in a division of motor vehicles vehicle  
2 which is plainly marked "Division of motor vehicles" or unless the motorist is fleeing from  
3 pursuit by a division of motor vehicles officer.

4 (e) The administrator may adopt any further regulations that he or she may deem  
5 necessary to implement this section.

6 SECTION 33. Section 32-3-1 of the General Laws in Chapter 32-3 entitled "Town  
7 Forests, Parks, and Recreation Systems" is hereby amended to read as follows:

8 **32-3-1. Local regulations -- Prosecution of violations. --** Town councils and city  
9 councils may pass such ordinances, by-laws, and regulations as they may think proper in relation  
10 to the care, management, and use of the public parks, squares, or grounds within the limits of  
11 their respective towns or cities, and may prescribe punishment for the violation thereof by a fine  
12 not exceeding twenty dollars (\$20.00) or by imprisonment not exceeding ten (10) days for each  
13 offense. Every deputy sheriff, town sergeant, town constable, or police officer, or any officer  
14 authorized to serve criminal process, may arrest without a warrant any person who does any  
15 criminal act or willfully violates any of those ordinances, bylaw, or regulation in any of those  
16 public parks, squares or grounds, and may detain that person until a complaint can be made  
17 against him or her, and he or she can be taken upon a warrant issued upon that complaint;  
18 provided, that the arrest and detention without a warrant shall not continue longer than the space  
19 of six (6) hours when the arrest is made between the hours of 4 o'clock in the morning (4:00 a.m.)  
20 and 8 o'clock in the evening (8:00 p.m.), and when made at any other hour, the person arrested  
21 shall not be detained after 10 o'clock in the morning (10:00 a.m.) of the following day.

22 SECTION 34. Section 34-18-48 of the General Laws in Chapter 34-18 entitled  
23 "Residential Landlord and Tenant Act" is hereby amended to read as follows:

24 **34-18-48. Execution. --** If no appeal is claimed, and if the judgment has not been  
25 satisfied, execution shall be issued on the sixth (6th) day following judgment. Executions shall be  
26 issued ~~only~~ to the division of sheriffs or certified constable. Every execution issued by any district  
27 court pursuant to this chapter shall continue in full force and effect for one year after the date  
28 thereof, and be returnable to the district court which issued it in accordance with the provisions of  
29 § 9-25-21. All costs including reasonable moving costs incurred by the division of sheriffs or  
30 certified constable in carrying out the mandates of the execution may be added to the execution  
31 by the clerk upon approval of the court upon presentment of evidence of the costs.

32 SECTION 35. Section 34-21-9 of the General Laws in Chapter 34-21 entitled "Replevin"  
33 is hereby amended to read as follows:

34 **34-21-9. Form of writ of return and restoration. --** The writ of return and restoration

1 shall be substantially as follows:

2 THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

3 SC.

4 To the sheriffs and certified constables of our several counties, or

5 (SEAL) to their deputies, Greeting:

6 Whereas ..... of ..... in the county of ..... lately  
7 replevied the following goods and chattels, viz.: (here enumerate and particularly describe them)  
8 which ..... of ..... in our county of ..... had  
9 unlawfully taken (detained, or attached, as the case may be) as suggested, and caused  
10 ..... to be summoned to appear before our superior court to be held at  
11 ..... to answer unto ..... for such unlawful taking  
12 (detaining, or attaching, as the case may be) on the ..... day of ..... And  
13 whereas, to our said court at its session held as aforesaid, upon a full hearing of the cause of the  
14 taking (detaining, or attaching, as the case may be) it appeared that the taking (detaining, or  
15 attaching, as the case may be) was lawful and justifiable, whereupon it was then and there by the  
16 court considered that the same be returned and restored unto ..... irrepleviable,  
17 and that ..... recover against ..... the sum of .....  
18 dollars damages, for his or her taking the same by the process of replevin and his or her costs of  
19 defense taxed at ..... as to us appears of record, whereof execution remains to  
20 be done: we command you, therefore, that you forthwith return and restore the same goods and  
21 chattels unto ..... and also that of the goods and chattels and real estate of  
22 ..... within your precinct, you cause to be levied and paid unto the aforesaid  
23 sums, being in the whole ~~with twenty five cents (25¢) more for this writ,~~ ..... together  
24 with your fees; and for want of such goods and chattels or real estate of ..... to  
25 be by you found within your precinct, to satisfy and pay the sums aforesaid, we command you to  
26 take the body of ..... and commit him or her to our correctional institution in  
27 your precinct, therein to be kept until he or she pays the sums aforementioned, with your fees, or  
28 until he or she is discharged by ..... or otherwise by order of law. Hereof fail not,  
29 and make true return of this writ and your doings thereon, to our superior court on or before the  
30 ..... day of .....

31 Witness, the seal of our superior court at this ..... day of ..... in the year ....

32 , Clerk.

33 SECTION 36. Section 42-28-19 of the General Laws in Chapter 42-28 entitled "State  
34 Police" is hereby amended to read as follows:



1           **42-28-19. Police powers of members -- Fees -- Duties -- Suppression of riots. --**

2 Members of the division shall have and may exercise in any part of the state, with regard to the  
3 enforcement of the criminal laws, all powers of deputy sheriffs, town sergeants, chiefs of police,  
4 police officers, and [town](#) constables. Any person authorized to issue criminal process may direct  
5 that process to any member of the division. All fees received by members of the division in  
6 connection with the performance of their duties shall be paid to the general treasurer for the use  
7 of the state. It shall be the duty of its members to prevent and detect crime, to apprehend and  
8 assist in the prosecution of offenders, and to assist in the investigation and prosecution of any  
9 criminal matters within the state. The governor may command their services in the suppression of  
10 riots, but they shall not exercise their powers within the limits of any city to suppress rioting  
11 except by direction of the governor and upon the request of the mayor or chief of police of any  
12 city.

13           SECTION 37. Sections 45-3-8 and 45-3-19 of the General Laws in Chapter 45-3 entitled  
14 "Town Meetings" are hereby amended to read as follows:

15           **45-3-8. Clerk's warrant giving notice. --** The notice to the electors to meet in a town  
16 meeting, prescribed by law, shall be given by the town clerk issuing his or her warrant, directed to  
17 the town sergeant or one of the [town](#) constables of the town, or in the event that the town sergeant  
18 or a [town](#) constable is not available, to any elector of that town designated by the town or city  
19 clerk, requiring him or her to post, at least seven (7) days before the day appointed for the  
20 meeting, written notifications in three (3) or more public places in the town, of the time when and  
21 place where the meeting is to be held and of the business required by law to be transacted.

22           **45-3-19. Disorderly conduct at meeting. --** If any person conducts himself or herself in  
23 a disorderly manner in any town, representative district, or voting district meeting, the moderator  
24 may order that person to withdraw from the meeting; and, on the person's refusal, may order the  
25 town sergeant, or any [town](#) constable present, or any other persons, to take him or her from the  
26 meeting and to confine him or her in some convenient place until the meeting is adjourned. The  
27 person refusing to withdraw shall, for each offense, be fined not exceeding twenty dollars  
28 (\$20.00).

29           SECTION 38. Section 45-5-10 of the General Laws in Chapter 45-5 entitled "Councils  
30 and Governing Bodies" is hereby amended to read as follows:

31           **45-5-10. Fees for licenses and commissions issued to officers. --** Town councils and  
32 city councils are authorized to charge and collect for licenses and commissions issued to officers  
33 elected or appointed by them, fees that the town and city councils, respectively, fix by ordinance  
34 or resolution; provided, that the license fee for appointment of [town](#) constable with power to

1 serve civil process [in accordance with § 9-5-10.1](#) is not less than five dollars (\$5.00) and not more  
2 than twenty-five dollars (\$25.00).

3 SECTION 39. Sections 45-16-4.1, 45-16-4.2, 45-16-4.3, 45-16-4.5, 45-16-5, 45-16-6, 45-  
4 16-8, 45-16-9, 45-16-10, 45-16-11, 45-16-12, 45-16-13 and 45-16-14 of the General Laws in  
5 Chapter 45-16 entitled "Sergeants and Constables" are hereby amended to read as follows:

6 **45-16-4.1. License and bond of constables** ~~License and bond of town constables. --~~

7 All [town](#) constables, except police and special constables [as](#) provided for in this chapter shall be  
8 ~~licensed~~ [certified](#) by the ~~chief judge of the Rhode Island district court~~ [department of business](#)  
9 [regulation in order](#) to serve civil process [and execute writs](#) as provided in §§ 9-5-10 [and 9-5-10.1](#).  
10 ~~Every constable shall at the time of being sworn into office give bond with sufficient sureties to~~  
11 ~~the clerk of the district court in the sum of five thousand dollars (\$5,000) for the faithful~~  
12 ~~performance of the duties of his or her office.~~

13 **45-16-4.2. Action on bond of constables.** -- Any person injured by the breach of the  
14 bond of any [town](#) constable, may commence an action ~~in the name of the clerk of the district~~  
15 ~~court~~, for his or her own use, under like circumstances and in the same manner and subject to the  
16 same provisions as that person might do in the name of the general treasurer upon a bond given  
17 by the sheriff, if the person were injured by the breach of the bond.

18 **45-16-4.3. Service of process by constables.** -- The ~~chief justice of the supreme court,~~  
19 ~~and the chief judge of the family and district courts,~~ [department of business regulation](#) upon  
20 application being made by a [town](#) constable ~~authorized or licensed~~ to serve civil process ~~under~~  
21 ~~this chapter~~, may authorize the constable to serve or execute any process or writs issued by or  
22 returnable to ~~the~~ [any](#) court [in accordance with § 9-5-10.1](#). Upon being so authorized ~~or licensed~~,  
23 the [town](#) constable shall have the power and authority to serve or execute all writs and process  
24 which may issue from ~~the~~ [any](#) court, ~~in like manner and at fees authorized to deputy sheriffs.~~  
25 ~~Each constable shall at the time of licensing or authorization give additional bond with the clerk~~  
26 ~~of the district court in the sum of five thousand dollars (\$5,000) for the faithful performance of~~  
27 ~~the duties of the office. Any appointee serves at the pleasure of the appointing authority.~~

28 **45-16-4.5. Immunity.** -- No [town](#) constable, while serving or executing any process or  
29 writ issued by or returnable to the ~~supreme, superior, family, or district~~ court, is liable in any civil  
30 action to respond in damages as a result of his or her acts of commission or omission arising  
31 directly out of his or her negligent serving or executing the process or writ [except as provided in §](#)  
32 [9-5-10.1](#). In the event a civil action is brought against a [town](#) constable as the result of the  
33 performance of his or her duties, the [town](#) constable is entitled to recover all costs and attorney's  
34 fees incurred by the constable incidental to the civil action.

1           **45-16-5. Liability for neglect in serving process.** -- Every town sergeant or [town](#)  
2 constable who neglects or refuses to serve any process, issuing from lawful authority, directed to  
3 him or her to serve and execute, or who is guilty of neglect or misfeasance in executing the duties  
4 of his or her office (having in all civil cases, paid or tendered unto him or her, his or her legal  
5 fees, if he or she demands legal fees, for serving and executing the process), is liable to the party  
6 aggrieved for the damages that he or she has sustained by the neglect, refusal or misfeasance.

7           **45-16-6. Aid and assistance in execution of office.** -- Every town sergeant and [town](#)  
8 constable, in the due execution of his or her office, may command all necessary aid and assistance  
9 in the execution of his or her office; and every person who, when so required, refuses or neglects  
10 to give aid and assistance, shall be fined not exceeding twenty dollars (\$20.00).

11           ~~**45-16-8. Election of special constables.**~~ **Election of special town constables.** -- Every  
12 town council may elect for any amount of time, not exceeding one year, that they may determine,  
13 one or more special [town](#) constables, who shall be commissioned and engaged, but shall not be  
14 required to give bond.

15           ~~**45-16-9. Attendance of special constables at schools or meetings.**~~ **Attendance of**  
16 **special town constables at schools or meetings.** -- A special [town](#) constable shall, upon the  
17 request of any citizen, and upon being tendered the sum of thirty cents (\$.30) for each hour of  
18 service required, attend any school or meeting lawfully assembled, for the purpose of preventing  
19 any interruption or disturbance at the school or meeting, and may arrest without warrant and  
20 detain not exceeding six (6) hours, any person found by the [town](#) constable in the act of willfully  
21 interrupting or disturbing a school or meeting, and may, in like manner with other [police and](#)  
22 [special](#) constables, command all necessary aid in the execution of the duties of the [town](#)  
23 constable's office.

24           ~~**45-16-10. Employment of special constables by steamboat companies and railroads.**~~  
25 **Employment of special town constables by steamboat companies and railroads.** -- A special  
26 [town](#) constable shall also at the request of any railroad company, or any proper officer or agent of  
27 these companies, and upon being paid the sum of thirty cents (\$.30) for each hour of service  
28 required, attend at any regular steamboat wharf or landing, and any regular railroad passenger  
29 station, for the purpose of preventing the assembling, crowding, and remaining at those places of  
30 all idle, noisy, and disorderly persons to the obstruction, annoyance, and inconvenience of the  
31 common and public travel, going and returning by the way of those stations, and may arrest  
32 without warrant and detain not exceeding six (6) hours, any idle and noisy persons found by the  
33 [town](#) constable in the act of willfully and idly intruding at those places, and there remaining when  
34 commanded to depart by the constable.

1            ~~**45-16-11. Judicial order disqualifying sergeant or constable from serving process.**~~

2            **Disqualification of sergeant or town constable from serving process.** -- Whenever complaints,  
3 in writing, are made to the ~~district court~~ [department of business regulation](#) that any town sergeant,  
4 or [town](#) constable [who has been certified in accordance with § 9-5-10.1](#), has been guilty of  
5 malfeasance, misfeasance, nonfeasance, or misconduct in serving or attempting to serve or  
6 pretending to serve any writ or process returnable to the ~~district~~ court, or has made a false return  
7 upon any writ or process, or has charged or exacted, for the service of any writ or process, fees  
8 greater than those allowed by law, or has, ~~within a division of a district court,~~ been guilty of any  
9 malfeasance or misconduct in his or her office other than that previously mentioned, the ~~court~~  
10 ~~shall cite the~~ town sergeant or [town](#) constable ~~to appear before it at a time and place certain to~~  
11 ~~answer to the complaint~~ [shall be subject to the provisions of § 9-5-10.](#) ~~A citation shall contain~~  
12 ~~generally the substance of the complaint or have annexed a copy of the complaint. If, upon~~  
13 ~~hearing of the complaint, the court finds and adjudges the complaint to be true, the court shall~~  
14 ~~enter an order in its records disqualifying and debaring the town sergeant or constable from~~  
15 ~~serving and executing any writ or process issuing from the district court until the further direction~~  
16 ~~of the court. Thereupon, the town sergeant or constable shall be disqualified and debarred from~~  
17 ~~serving or executing any writ or process issuing from the district court until the further direction~~  
18 ~~of the court. The court shall send a certified copy of the order to the clerk of each division of the~~  
19 ~~district court, and shall also send a certified copy of the order to the town clerk or city clerk from~~  
20 ~~which the town sergeant or constable was appointed or elected, or the clerk of the board~~  
21 ~~appointing the constable, if appointed by any board.~~

22            **45-16-12. Penalty for serving process after disqualification -- Exemption from**  
23 **liability for refusal to serve.** --

24 (a) Any town sergeant or [town](#) constable who, being disqualified  
25 and debarred from serving or executing any writ or process returnable to any ~~district~~ court of the  
26 state under the provisions of ~~§ 45-16-11~~ [chapter 5 of title 9](#), shall serve or execute or pretend or  
27 attempt to serve or execute any writ or process while disqualified and debarred, shall be  
28 imprisoned not exceeding one year or fined not exceeding five hundred dollars (\$500).

29 (b) Any town sergeant or [town](#) constable, while disqualified and debarred shall not be  
30 bound or obliged to serve or execute any writ or process returnable to any ~~district~~ court, although  
31 the writ or process is directed or given to him or her, and shall be exempt and free from all  
32 liability for his or her refusal or neglect to serve or execute any writ or process.

32            ~~**45-16-13. Removal of constables from office. Removal of town constables from**~~

33 ~~**office.**~~ -- Any [town](#) constable, except a constable elected by the electors of any town or city, may  
34 be removed for cause from office at any time by the town council or other body appointing him or

1 her, after notice, in writing, to the town constable of the charges against him or her and an  
2 opportunity given him or her for a hearing.

3 **45-16-14. Unauthorized services of process.** -- Any individual who serves, or attempts  
4 to serve, any writ or legal process for any court of this state, other than deputy sheriffs, and those  
5 ~~individuals~~ town sergeants and town constables so authorized for this service pursuant to this  
6 chapter or in accordance with the provisions of chapter 5 of title 9, or other individuals authorized  
7 by law or by rule of court shall be fined not less than five hundred dollars (\$500) nor more than  
8 one thousand dollars (\$1,000), and/or imprisoned for a term of not less than six (6) months, nor  
9 more than one year in prison, for each violation; provided, that this section does not apply to any  
10 city or town constable nor to any power or authority granted to them by any general or special  
11 law.

12 SECTION 40. Section 45-16-4.4 of the General Laws in Chapter 45-16 entitled  
13 "Sergeants and Constables" is hereby repealed.

14 ~~**45-16-4.4. Authorization to serve process of superior court.** -- (a) The presiding  
15 justice of the superior court, upon petition filed with the clerk in Providence County superior  
16 court, by a constable authorized or licensed under this chapter, may, after hearing on the petition,  
17 authorize the constable to serve or execute any process or writs issued by or returnable to the  
18 superior court.~~

19 ~~(b) No petition shall be filed by a constable who does not have full authorization for  
20 service of process from the chief judges of the district and/or family courts for a minimum of one  
21 year.~~

22 ~~(c) At the hearing on the petition, the petitioner shall present any evidence that the  
23 presiding justice may require.~~

24 ~~(d) If the petition is granted, the petitioner, prior to the service of any process of the  
25 superior court, shall post with the general chief clerk of the superior court a bond in the amount of  
26 ten thousand dollars (\$10,000), which bond shall be renewed annually. The obligee of the bond  
27 shall be the general chief clerk for the benefit of any aggrieved person. The bond shall be  
28 conditioned upon the faithful performance of the duties of the constable. Any authority granted  
29 pursuant to this section may be suspended or revoked by the presiding justice in the justice's sole  
30 discretion.~~

31 ~~(e) A master file shall be maintained by the general chief clerk containing the names of  
32 those duly licensed under this section.~~

33 ~~(f) Neither the state nor the presiding justice is liable to any person who is aggrieved in  
34 any manner whatsoever as a result of the conduct or actions of a constable licensed pursuant to~~

1 ~~this section.~~

2 SECTION 41. This act shall take effect September 1, 2015.

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LC002007/SUB A/2  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY

\*\*\*

1           This act would amend the procedure for the certification of constables by removing the  
2 licensure procedure from the district court and transferring it to the department of business  
3 regulation. This act would also clarify those powers given to certified constables versus town and  
4 police constables.

5           This act would take effect September 1, 2015.

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LC002007/SUB A/2  
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