

2018 -- H 7071

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LC003591
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL OFFENSES - CHILDREN - CONFINEMENT IN MOTOR
VEHICLES PROHIBITED

Introduced By: Representatives Serpa, Fellela, Ackerman, Hearn, and Ruggiero

Date Introduced: January 10, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-9 of the General Laws entitled "Children" is hereby amended by
2 adding thereto the following section:

3 **11-9-5.4. Child confinement in motor vehicles prohibited.**

4 (a) No person shall intentionally or knowingly leave a child under the age of seven (7)
5 years unattended in a motor vehicle for longer than fifteen (15) minutes. For the purposes of this
6 section, a child shall be deemed unattended if not accompanied by a person who is at least
7 fourteen (14) years of age.

8 (b) No person shall leave any child younger than fourteen (14) years in a motor vehicle
9 for any length of time if the child would be subject to extreme heat or cold or subjected to a lack
10 of adequate ventilation.

11 (c) Any law enforcement officer, firefighter or emergency medical technician (EMT) who
12 has reason to believe that this section is being violated shall have the authority to enter the motor
13 vehicle by any reasonable means necessary to protect the health or well-being of the child. If the
14 circumstances allow, a reasonable effort shall first be made by the law enforcement officer
15 firefighter or emergency medical technician (EMT) to locate a person responsible for the child
16 who has been left unattended.

17 (d) Any law enforcement officer, firefighter or emergency medical technician (EMT)
18 who removes a child from a motor vehicle pursuant to this section is immune from criminal or

1 civil liability that might otherwise result from the removal.

2 (e) Any person who knowingly violates subsections (a) or (b) of this section shall be
3 punished for a first offense by a fine of one hundred fifty dollars (\$150) and for subsequent
4 offenses by imprisonment for a term not exceeding one year and/or by a fine of no more than one
5 thousand dollars (\$1,000). Any injury sustained by a child caused by any violation of this section
6 may result in a charge of child abuse under §11-9-5.3 or any other applicable provision of law.

7 SECTION 2. Section 31-22-22.1 of the General Laws in Chapter 31-22 entitled
8 "Miscellaneous Rules" is hereby repealed.

9 ~~**31-22-22.1. Child passenger protection -- Warnings of hazard and risk.**~~

10 ~~(a) All law enforcement officers in this state are authorized to provide a verbal warning to~~
11 ~~any person who shall be deemed to have left a child under the age of seven (7) unattended in a~~
12 ~~motor vehicle. The warning shall apprise the offending person of the dangers of this practice~~
13 ~~including, but not limited to, the risk of kidnapping and/or abduction, and the dangers which may~~
14 ~~result from the accumulation of excessive temperatures within the motor vehicle.~~

15 ~~(b) No fine or sanction shall be imposed for a violation of this section, other than a~~
16 ~~verbal warning, and no record of any kind shall be maintained of the warning.~~

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would make it a criminal offense to leave a child under seven (7) years of age
2 unattended in a motor vehicle for longer than fifteen (15) minutes or any child under fourteen
3 (14) for any length of time in extreme heat or cold, punishable for a first offense by a fine of one
4 hundred fifty dollars (\$150) and for subsequent offenses by imprisonment for a term not
5 exceeding one year and/or by a fine of no more than one thousand dollars (\$1,000).

6 This act would take effect upon passage.

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