

2018 -- H 7864

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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 STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT  
OFFICERS' BILL OF RIGHTS

Introduced By: Representative Michael Morin

Date Introduced: February 28, 2018

Referred To: House Judiciary

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-28.6-1 of the General Laws in Chapter 42-28.6 entitled "Law  
2 Enforcement Officers' Bill of Rights" is hereby amended to read as follows:

3 **42-28.6-1. Definitions -- Payment of legal fees.**

4 As used in this chapter, the following words have the meanings indicated:

5 (1) "Law enforcement officer" means any permanently employed city or town police  
6 officer, state police officer, permanent law enforcement officer of the department of  
7 environmental management, [sworn law enforcement members of the state fire marshal's office](#) or  
8 those employees of the airport corporation of Rhode Island who have been granted the authority  
9 to arrest by the director of said corporation. However this shall not include the chief of police  
10 and/or the highest ranking sworn officer of any of the departments including the director and  
11 deputy director of the airport corporation of Rhode Island.

12 (2) (i) "Hearing committee" means a committee which is authorized to hold a hearing on  
13 a complaint against a law enforcement officer and which consists of three (3) active or retired law  
14 enforcement officers from within the state of Rhode Island, other than chiefs of police, who have  
15 had no part in the investigation or interrogation of the law enforcement officer. The committee  
16 shall be composed of three (3) members; one member selected by the chief or the highest ranking  
17 officer of the law enforcement agency, one member selected by the aggrieved law enforcement  
18 officer and the third member shall be selected by the other two (2) members. In the event that the

1 other two (2) members are unable to agree within five (5) days, then either member will make  
2 application to the presiding justice of the superior court and the presiding justice shall appoint the  
3 third member who shall be an active law enforcement officer. Upon written application by a  
4 majority of the hearing committee, the presiding justice, in his or her discretion, may also appoint  
5 legal counsel to assist the hearing committee.

6 (ii) The law enforcement agency and the law enforcement officer under investigation  
7 shall each be responsible to pay fifty percent (50%) of the legal fee of the appointed legal counsel  
8 for the hearing committee; provided, however, that on motion made by either party, the presiding  
9 justice shall have the authority to make a different disposition as to what each party is required to  
10 pay toward the appointed legal counsel's legal fee.

11 (3) "Hearing" means any meeting in the course of an investigatory proceeding, other than  
12 an interrogation at which no testimony is taken under oath, conducted by a hearing committee for  
13 the purpose of taking or adducing testimony or receiving evidence.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT  
OFFICERS' BILL OF RIGHTS

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- 1           This act would provide that sworn law enforcement members of the state fire marshal's
- 2 office be subject to the state law enforcement officers' bill of rights.
- 3           This act would take effect upon passage.

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