

2019 -- H 5743

LC001749

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS

Introduced By: Representatives Millea, Phillips, Hawkins, Solomon, and Shanley

Date Introduced: February 27, 2019

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 8-15 of the General Laws entitled "Court Administration" is hereby
2 amended by adding thereto the following section:

3 **8-15-2.1. Emergency powers of the chief justice.**

4 (a) The chief justice of the supreme court may, by order, declare the existence of a
5 disaster, as that term is defined in § 30-15-3, affecting the conduct of judicial business and take
6 any action necessary to ensure the continued and efficient operation of the courts of the unified
7 judicial system for the duration of the disaster. Such necessary action(s) may include, but are not
8 limited to:

9 (1) Establishing alternative locations to conduct judicial business in the event that one or
10 more court locations cannot be utilized;

11 (2) Enlarging, extending, tolling, or suspending any filing, appeal, or other applicable
12 deadline or statute of limitation as is necessary, in the opinion of the chief justice, to ensure the
13 fair administration of justice;

14 (3) Suspending any judicial business that is deemed not essential by the chief justice; and

15 (4) Taking any other appropriate action necessary to ensure that judicial business is
16 effectively conducted by the courts of the unified judicial system for the duration of the disaster.

17 (b) The order declaring the existence of a disaster affecting the conduct of judicial
18 business and setting forth the necessary response(s) thereto shall specify:

19 (1) The nature, time period, and duration of the disaster underlying the order;

- 1 (2) The court(s) and court location(s) affected by the disaster;
- 2 (3) The action(s) to be undertaken to redress the effects of the disaster on the conduct of
3 judicial business; and
- 4 (4) Any other relevant information needed to effectively respond to the disaster and
5 ensure the continued and efficient operation of the unified judicial system for the duration of the
6 disaster.
- 7 (c) The order declaring the existence of a disaster affecting the conduct of judicial
8 business shall be limited to an initial duration of not more than thirty (30) days; provided,
9 however, that the order may be modified or extended for additional periods of thirty (30) days
10 each at the discretion of the chief justice. Any modification or extension of the initial order shall
11 contain the same information required for the issuance of the initial order pursuant to subsection
12 (b) of this section.
- 13 (d) The declaration of a state of emergency by the governor pursuant to § 30-15-9 shall
14 not be a condition precedent to the issuance of an order under this section; provided, however,
15 that an order under this chapter may issue whenever the governor declares a state of emergency.
16 Such order shall contain the information required pursuant to subsection (b) of this section.
- 17 (e) In the event that the office of the chief justice is vacant, or the chief justice is unable,
18 by reason of illness or absence, to perform his or her duties, the associate justice of the supreme
19 court in order of seniority, as determined by §§ 8-3-2 and 8-3-3, shall have the power to issue an
20 order under this section.
- 21 (f) The provisions of this section shall preempt and supersede any conflicting provisions
22 of law.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO COURTS AND CIVIL PROCEDURE--COURTS

1 This act would provide that the chief justice of the supreme court may declare a disaster
2 emergency and would order necessary action to ensure efficient operation of the judicial system.

3 This act would take effect upon passage.

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