

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - DOMESTIC ASSAULT

Introduced By: Representatives Canario, Shanley, Donovan, Jackson, and Casey

Date Introduced: February 27, 2019

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-8.1-5 of the General Laws in Chapter 8-8.1 entitled "Domestic  
2 Assault" is hereby amended to read as follows:

3 **8-8.1-5. Duties of police officers.**

4 (a) Whenever any police officer has reason to believe that a cohabitant or minor has been  
5 abused, that officer shall use all reasonable means to prevent further abuse, including:

6 (1) Remaining on the scene as long as there is danger to the physical safety of the person  
7 or until the person is able to leave the dwelling unit;

8 (2) Assisting the person in obtaining medical treatment necessitated by an assault,  
9 including obtaining transportation to an emergency medical treatment facility;

10 (3) Giving the person immediate and adequate notice of his or her rights under this  
11 chapter;

12 (4) Arresting the person pursuant to the arrest provisions as contained in § 12-29-3.

13 (b) Notice by the police officer to the victim shall be by handing the victim a copy of the  
14 following statement written in English, Portuguese, Spanish, Cambodian, Hmong, Laotian,  
15 Vietnamese, and French, and by reading the statement to the person when possible:

16 Spouse, former spouse/blood relative/children in common; minor(s) in a substantive  
17 dating or engagement relationship:

18 "If your attacker is your spouse, former spouse, person to whom you are related by blood  
19 or marriage, or if you are not married to your attacker, but have a child in common, or if you

1 and/or your attacker are a minor who have been in a substantive dating or engagement  
2 relationship within the past ~~six (6) months~~ one year, you have the right to go to the family court  
3 and ask the court to issue an order restraining your attacker from abusing you or your minor  
4 child; you have the right to go to the family court and request:

- 5 (1) an order restraining your attacker from abusing you or your minor child;
- 6 (2) an order awarding you exclusive use of your marital domicile;
- 7 (3) an order awarding you custody of your minor child."

8 Unmarried/not related cohabitants within the past three (3) years or substantive dating or  
9 engagement relationship within past ~~six (6) months~~ one year:

10 "If you are not married or related to your attacker, but have resided with him or her  
11 within the past three (3) years, you have the right to go to the district court and request;

- 12 (1) an order restraining your attacker from abusing you;
- 13 (2) an order directing your attacker to leave your household, unless she or he has the sole  
14 legal interest in the household."

15 "If you are in need of medical treatment, you have the right to have the officer present  
16 obtain transportation to an emergency medical treatment facility."

17 "If you believe that police protection is needed for your physical safety, you have the  
18 right to have the officer present remain at the scene until you and your children can leave or until  
19 your safety is otherwise insured."

20 "You have the right to file a criminal complaint with the responding officer or your local  
21 police department if the officer has not arrested the perpetrator."

22 (c) A police officer shall ensure enforcement of the terms of the protective order issued  
23 pursuant to this chapter including but not limited to accompanying a cohabitant to his or her  
24 dwelling or residence in order to secure possession of the dwelling or residence when a vacate  
25 order against the defendant has been issued.

26 (d) When service of the temporary order issued pursuant to § 8-8.1-4 has not been made  
27 and/or after a permanent order is entered, a police officer shall give notice of the order to the  
28 defendant by handing him or her a certified copy of the order. The officer shall indicate that he or  
29 she has given notice by writing on plaintiff's copy of the order and the police department's copy  
30 of the order the date, and time of giving notice and the officer's name and badge number. The  
31 officer shall indicate on the offense report that actual notice was given.

32 SECTION 2. Section 15-15-5 of the General Laws in Chapter 15-15 entitled "Domestic  
33 Abuse Prevention" is hereby amended to read as follows:

34 **15-15-5. Duties of police officers.**

1 (a) Whenever any police officer has reason to believe that a family member or parent has  
2 been abused, that officer shall use all reasonable means to prevent further abuse, including:

3 (1) Remaining on the scene as long as there is a danger to the physical safety of the  
4 person or until the person is able to leave the dwelling unit;

5 (2) Assisting the person in obtaining medical treatment necessitated by an assault,  
6 including obtaining transportation to an emergency medical treatment facility;

7 (3) Giving the person immediate and adequate notice of his or her rights under this  
8 chapter;

9 (4) Arresting the abusive person pursuant to the arrest provisions in § 12-29-3; and

10 (5) Reporting any physical injury to a minor child or a threat to physically injure a minor  
11 child within twenty-four (24) hours of his or her investigation to CANTS (Child abuse and  
12 neglect tracking system).

13 (b) Notice by the police officer to the victim shall be by handing the victim a copy of the  
14 following statement written in English, Portuguese, Spanish, Cambodian, Hmong, Laotian,  
15 Vietnamese, and French, and by reading the statement to the person when possible:

16 SPOUSE, FORMER SPOUSE, BLOOD RELATIVE, CHILDREN IN COMMON,  
17 MINORS IN SUBSTANTIVE DATING OR ENGAGEMENT RELATIONSHIP.

18 "If your attacker is your spouse, former spouse, or person to whom you are related by  
19 blood or marriage, or if you are not married to your attacker but have a child in common, or if  
20 you and/or your attacker is a minor who have been in a substantive dating or engagement  
21 relationship within the past ~~six (6) months~~ one year, you have the right to go to the family court  
22 and request:

23 "(1) An order restraining your attacker from abusing you or your minor child;

24 "(2) An order awarding you exclusive use of your marital domicile;

25 "(3) An order awarding you custody of your minor child."

26 UNMARRIED/NOT RELATED COHABITANTS WITHIN THE PAST THREE  
27 YEARS, OR HAVE BEEN IN A SUBSTANTIVE DATING OR ENGAGEMENT  
28 RELATIONSHIP WITHIN THE PAST ~~SIX (6) MONTHS~~ ONE YEAR

29 "If you are not married or related to your attacker, but have resided with him or her  
30 within the past three (3) years, or you are in or have been in a substantive dating or engagement  
31 relationship with your attacker within the past ~~six (6) months~~ one year, you have the right to go to  
32 the district court and request:

33 "(1) An order restraining your attacker from abusing you;

34 "(2) An order directing your attacker to leave your household, unless he or she has the

1 sole legal interest in the household."

2 ADDITIONAL RIGHTS.

3 "If you are in need of medical treatment, you have the right to have the officer present  
4 obtain transportation to an emergency medical treatment facility.

5 "If you believe that police protection is needed for your physical safety, you have the  
6 right to have the officer present remain at the scene until you and your children can leave or until  
7 your safety is otherwise ensured.

8 "You have the right to file a criminal complaint with the responding officer or your local  
9 police department if the officer has not arrested the perpetrator."

10 (c) A police officer shall ensure enforcement of the terms of a protective order issued  
11 pursuant to this chapter including, but not limited to, accompanying a family member or parent to  
12 his or her dwelling or residence in order to secure possession of the dwelling or residence.

13 (d) When service of the temporary order issued pursuant to § 15-15-4 has not been made  
14 and/or after a permanent order is entered, a police officer shall give notice of the order to the  
15 defendant by handing him or her a certified copy of the order. The officer shall indicate that he or  
16 she has given notice by writing on plaintiff's copy of the order and the police department's copy  
17 of the order, the date and time of giving notice and the officer's name and badge number. The  
18 officer shall indicate on the offense report that actual notice was given.

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

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LC001751  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - DOMESTIC ASSAULT

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1           This act would update the language required to be given by police officers when  
2 responding to domestic abuse calls.

3           This act would take effect upon passage.

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