

2020 -- S 2711

=====
LC004525
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

JOINT RESOLUTION

TO APPROVE AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO
THE CONSTITUTION OF THE STATE -- RIGHT TO ADEQUATE EDUCATION

Introduced By: Senators Metts, Picard, Quezada, DiPalma, and Seveney

Date Introduced: February 27, 2020

Referred To: Senate Education

1 RESOLVED, That a majority of all members elected to each house of the general
2 assembly voting therefor, the following amendment to the Constitution of the state be proposed to
3 the qualified electors of the state in accordance with the provisions of Article I of the Constitution
4 for their approval and add sections 24 and 25 which are hereby amended to read as follows:

5 **Article I. DECLARATION OF CERTAIN CONSTITUTIONAL RIGHTS AND**
6 **PRINCIPLES.**

7 In order to effectually secure the religious and political freedom established by our
8 venerated ancestors, and to preserve the same for our posterity, we do declare that the essential
9 and unquestionable rights and principles hereinafter mentioned shall be established, maintained,
10 and preserved, and shall be of paramount obligation in all legislative, judicial and executive
11 proceedings.

12 **Section 1. Right to make and alter Constitution - Constitution obligatory upon all**

13 In the words of the Father of his Country, we declare that "the basis of our political
14 systems is the right of the people to make and alter their constitutions of government; but that the
15 constitution which at any time exists, till changed by an explicit and authentic act of the whole
16 people, is sacredly obligatory upon all."

17 **Section 2. Laws for good of whole - Burdens to be equally distributed - Due process -**
18 **Equal protection - Discrimination - No right to abortion granted**

19 All free governments are instituted for the protection, safety, and happiness of the people.

1 All laws, therefore, should be made for the good of the whole; and the burdens of the state ought
2 to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property
3 without due process of law, nor shall any person be denied equal protection of the laws. No
4 otherwise qualified person shall, solely by reason of race, gender or handicap be subject to
5 discrimination by the state, its agents or any person or entity doing business with the state.
6 Nothing in this section shall be construed to grant or secure any right relating to abortion or the
7 funding thereof.

8 **Section 3. Freedom of religion**

9 Whereas Almighty God hath created the mind free; and all attempts to influence it by
10 temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy
11 and meanness; and whereas a principal object of our venerable ancestors, in their migration to this
12 country and their settlement of this state, was, as they expressed it, to hold forth a lively
13 experiment that a flourishing civil state may stand and be best maintained with full liberty in
14 religious concerns; we, therefore, declare that no person shall be compelled to frequent or to
15 support any religious worship, place, or ministry whatever, except in fulfillment of such person's
16 voluntary contract; nor enforced, restrained, molested, or burdened in body or goods; nor
17 disqualified from holding any office; nor otherwise suffer on account of such person's religious
18 belief; and that every person shall be free to worship God according to the dictates of such
19 person's conscience, and to profess and by argument to maintain such person's opinion in matters
20 of religion; and that the same shall in no wise diminish, enlarge, or affect the civil capacity of any
21 person.

22 **Section 4. Slavery prohibited**

23 Slavery shall not be permitted in this state.

24 **Section 5. Entitlement to remedies for injuries and wrongs - Right to justice**

25 Every person within this state ought to find a certain remedy, by having recourse to the
26 laws, for all injuries or wrongs which may be received in one's person, property, or character.
27 Every person ought to obtain right and justice freely, and without purchase, completely and
28 without denial; promptly and without delay; conformably to the laws.

29 **Section 6. Search and seizure**

30 The right of the people to be secure in their persons, papers and possessions, against
31 unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on
32 complaint in writing, upon probable cause, supported by oath or affirmation, and describing as
33 nearly as may be, the place to be searched and the persons or things to be seized.

34 **Section 7. Requirement of presentment or indictment - Information by attorney-**

1 **general - Grand juries - Double jeopardy**

2 Except in cases of impeachment, or in cases arising in the land or naval forces, or in the
3 militia when in actual service in time of war or public danger, no person shall be held to answer
4 for any offense which is punishable by death or by imprisonment for life unless on presentment or
5 indictment by a grand jury, and no person shall be held to answer for any other felony unless on
6 presentment or indictment by a grand jury or on information in writing signed by the attorney-
7 general or one of the attorney-general's designated assistants, as the general assembly may
8 provide and in accordance with procedures enacted by the general assembly. The general
9 assembly may authorize the impaneling of grand juries with authority to indict for offenses
10 committed any place within the state and it may provide that more than one grand jury may sit
11 simultaneously within a county. No person shall be subject for the same offense to be twice put in
12 jeopardy. Nothing contained in this article shall be construed as in any wise impairing the
13 inherent common law powers of the grand jury.

14 **Section 8. Bail, fines and punishments**

15 Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments
16 inflicted; and all punishments ought to be proportioned to the offense.

17 **Section 9. Right to bail - Habeas corpus**

18 All persons imprisoned ought to be bailed by sufficient surety, unless for offenses
19 punishable by imprisonment for life, or for offenses involving the use or threat of use of a
20 dangerous weapon by one already convicted of such an offense or already convicted of an offense
21 punishable by imprisonment for life, or for an offense involving the unlawful sale, distribution,
22 manufacturer, delivery, or possession with intent to manufacture, sell, distribute or deliver any
23 controlled substance or by possession or by a controlled substance punishable by imprisonment
24 for ten (10) years or more, when the proof of guilt is evident or the presumption great. Nothing in
25 this section shall be construed to confer a right to bail, pending appeal of a conviction. The
26 privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or
27 invasion, the public safety shall require it; nor ever without the authority of the general assembly.

28 **Section 10. Rights of accused persons in criminal proceedings**

29 In all criminal prosecutions, accused persons shall enjoy the right to a speedy and public
30 trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be
31 confronted with the witnesses against them, to have compulsory process for obtaining them in
32 their favor, to have the assistance of counsel in their defense, and shall be at liberty to speak for
33 themselves; nor shall they be deprived of life, liberty, or property, unless by the judgment of their
34 peers, or the law of the land.

1 **Section 11. Relief of debtors from prison**

2 The person of a debtor, when there is not strong presumption of fraud, ought not to be
3 continued in prison, after such person shall have delivered up property for the benefit of said
4 person's creditors, in such manner as shall be prescribed by law.

5 **Section 12. Ex post facto laws - Laws impairing obligation of contract**

6 No ex post facto law, or law impairing the obligation of contracts, shall be passed.

7 **Section 13. Self-crimination**

8 No person in a court of common law shall be compelled to give self-criminating
9 evidence.

10 **Section 14. Presumption of innocence - Securing accused persons**

11 Every person being presumed innocent, until pronounced guilty by the law, no act of
12 severity which is not necessary to secure an accused person shall be permitted.

13 **Section 15. Trial by jury.**

14 The right of trial by jury shall remain inviolate. In civil cases the general assembly may
15 fix the size of the petit jury at less than twelve but not less than six.

16 **Section 16. Compensation for taking of private property for public use - Regulation
17 of fishery rights and shore privileges not public taking**

18 Private property shall not be taken for public uses, without just compensation. The
19 powers of the state and of its municipalities to regulate and control the use of land and waters in
20 the furtherance of the preservation, regeneration, and restoration of the natural environment, and
21 in furtherance of the protection of the rights of the people to enjoy and freely exercise the rights
22 of fishery and the privileges of the shore, as those rights and duties are set forth in section 17,
23 shall be an exercise of the police powers of the state, shall be liberally construed, and shall not be
24 deemed to be a public use of private property.

25 **Section 17. Fishery rights - Shore privileges - Preservation of natural resources**

26 The people shall continue to enjoy and freely exercise all the rights of fishery, and the
27 privileges of the shore, to which they have been heretofore entitled under the charter and usages
28 of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving
29 the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to
30 the use and enjoyment of the natural resources of the state with due regard for the preservation of
31 their values; and it shall be the duty of the general assembly to provide for the conservation of the
32 air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all
33 means necessary and proper by law to protect the natural environment of the people of the state
34 by providing adequate resource planning for the control and regulation of the use of the natural

1 resources of the state and for the preservation, regeneration and restoration of the natural
2 environment of the state.

3 **Section 18. Subordination of military to civil authority - Martial law**

4 The military shall be held in strict subordination to the civil authority. And the law
5 martial shall be used and exercised in such cases only as occasion shall necessarily require.

6 **Section 19. Quartering of soldiers**

7 No soldier shall be quartered in any house in time of peace, without the consent of the
8 owner; nor, in time of war, but in manner to be prescribed by law.

9 **Section 20. Freedom of press**

10 The liberty of the press being essential to the security of freedom in a state, any person
11 may publish sentiments on any subject, being responsible for the abuse of that liberty; and in all
12 trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall
13 be sufficient defense to the person charged.

14 **Section 21. Right to assembly - Redress of grievances - Freedom of speech**

15 The citizens have a right in a peaceable manner to assembly for their common good, and
16 to apply to those invested with the powers of government, for redress of grievances, or for other
17 purposes, by petition, address, or remonstrance. No law abridging the freedom of speech shall be
18 enacted.

19 **Section 22. Right to bear arms**

20 The right of the people to keep and bear arms shall not be infringed.

21 **Section 23. Rights of victims of crime**

22 A victim of crime shall, as a matter of right, be treated by agents of the state with dignity,
23 respect and sensitivity during all phases of the criminal justice process. Such person shall be
24 entitled to receive, from the perpetrator of the crime, financial compensation for any injury or loss
25 caused by the perpetrator of the crime, and shall receive such other compensation as the state may
26 provide. Before sentencing, a victim shall have the right to address the court regarding the impact
27 which the perpetrator's conduct has had upon the victim.

28 **Section 24. Right to an adequate education.**

29 Public education is a fundamental right of all Rhode Island residents. It shall, therefore,
30 be the paramount duty of the general assembly, the department of elementary and secondary
31 education, and other government agencies and officials who are charged with educational
32 responsibilities to provide all Rhode Island residents with equal opportunities to receive an
33 education that is adequate and meaningful to permit them to achieve at high levels and to become
34 lifelong learners, productive workers, and responsible citizens.

1 **Section 25. Judicial enforcement.**

2 The aforesaid sections shall be judicially enforceable. Any person or entity injured or
3 threatened with any injury because of any non-compliance with any one or more of their
4 provisions shall be entitled to bring an action in superior court to enforce these rights and
5 provisions and to obtain declaratory and injunctive relief for any violation thereof.

6 **Section ~~24.~~ 26. Rights not enumerated - State rights not dependent on federal rights.**

7 The enumeration of the foregoing rights shall not be construed to impair or deny others
8 retained by the people. The rights guaranteed by this Constitution are not dependent on those
9 guaranteed by the Constitution of the United States.

=====
LC004525
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

J O I N T R E S O L U T I O N

TO APPROVE AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO
THE CONSTITUTION OF THE STATE -- RIGHT TO ADEQUATE EDUCATION

- 1 This joint resolution would add two sections to the Rhode Island Constitution. One would
- 2 guarantee Rhode Island residents an adequate education to permit them to learn at high levels,
- 3 become lifelong learners, productive workers and responsible citizens and one would make the
- 4 rights guaranteed under the constitution judicially enforceable.

=====
LC004525
=====