

2024 -- H 7198

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

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

Introduced By: Representatives Stewart, Potter, Cruz, Morales, Sanchez, Ajello, Kislak,  
J. Lombardi, and Henries

Date Introduced: January 17, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-28.6 of the General Laws entitled "Law Enforcement Officers'  
2 Bill of Rights" is hereby repealed in its entirety.

3 ~~CHAPTER 42-28.6~~

4 ~~Law Enforcement Officers' Bill of Rights~~

5 ~~**42-28.6-1. Definitions — Payment of legal fees.**~~

6 ~~As used in this chapter, the following words have the meanings indicated:-~~

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

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

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

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

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

15 **42-28.6-2. Conduct of investigation.**

16 ~~Whenever a law enforcement officer is under investigation or subjected to interrogation by~~  
17 ~~a law enforcement agency, for a non-criminal matter which could lead to disciplinary action,~~  
18 ~~demotion, or dismissal, the investigation or interrogation shall be conducted under the following~~  
19 ~~conditions:~~

20 ~~(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when~~  
21 ~~the law enforcement officer is on duty.~~

22 ~~(2) The interrogation shall take place at an office within the department previously~~  
23 ~~designated for that purpose by the chief of police.~~

24 ~~(3) The law enforcement officer under interrogation shall be informed of the name, rank,~~  
25 ~~and command of the officer in charge of the investigation, the interrogating officer, and all persons~~  
26 ~~present during the interrogation. All questions directed to the officer under interrogation shall be~~  
27 ~~asked by and through one interrogator.~~

28 ~~(4) No complaint against a law enforcement officer shall be brought before a hearing~~  
29 ~~committee unless the complaint be duly sworn to before an official authorized to administer oaths.~~

30 ~~(5) The law enforcement officer under investigation shall, prior to any interrogating, be~~  
31 ~~informed in writing of the nature of the complaint and of the names of all complainants.~~

32 ~~(6) Interrogating sessions shall be for reasonable periods and shall be timed to allow for~~  
33 ~~such personal necessities and rest periods as are reasonably necessary.~~

34 ~~(7) Any law enforcement officer under interrogation shall not be threatened with transfer,~~

1 ~~dismissal, or disciplinary action.~~

2 ~~(8) If any law enforcement officer under interrogation is under arrest, or is likely to be~~  
3 ~~placed under arrest as a result of the interrogation, he or she shall be completely informed of all his~~  
4 ~~or her rights prior to the commencement of the interrogation.~~

5 ~~(9) At the request of any law enforcement officer under interrogation, he or she shall have~~  
6 ~~the right to be represented by counsel of his or her choice who shall be present at all times during~~  
7 ~~the interrogation. The interrogation shall be suspended for a reasonable time until representation~~  
8 ~~can be obtained.~~

9 ~~(10) No statute shall abridge nor shall any law enforcement agency adopt any regulation~~  
10 ~~which prohibits the right of a law enforcement officer to bring suit arising out of his or her duties~~  
11 ~~as a law enforcement officer.~~

12 ~~(11) No law enforcement agency shall insert any adverse material into any file of the officer~~  
13 ~~unless the officer has an opportunity to review and receive a copy of the material in writing, unless~~  
14 ~~the officer waives these rights in writing.~~

15 ~~(12) No public statement shall be made prior to a decision being rendered by the hearing~~  
16 ~~committee and no public statement shall be made if the officer is found innocent unless the officer~~  
17 ~~requests a public statement; provided, however, that this subdivision shall not apply if the officer~~  
18 ~~makes a public statement. The foregoing shall not preclude a law enforcement agency, in a criminal~~  
19 ~~matter, from releasing information pertaining to criminal charges which have been filed against a~~  
20 ~~law enforcement officer, the officer's status of employment and the identity of any administrative~~  
21 ~~charges brought against said officer as a result of said criminal charges.~~

22 ~~(13) No law enforcement officer shall be compelled to speak or testify before, or be~~  
23 ~~questioned by, any non-governmental agency.~~

24 **42-28.6-3. Disclosure of personal information.**

25 ~~No law enforcement officer shall be required or requested to disclose any item of his or her~~  
26 ~~property, income, assets, source of income, debts, or personal or domestic expenditures (including~~  
27 ~~those of any member of his or her family or household) unless that information is necessary in~~  
28 ~~investigating a possible conflict of interest with respect to the performance of his or her official~~  
29 ~~duties, or unless the disclosure is required by law.~~

30 **42-28.6-4. Right to hearing—Notice request for hearing—Selection of hearing**  
31 **committee.**

32 ~~(a) If the investigation or interrogation of a law enforcement officer results in the~~  
33 ~~recommendation of some action, such as demotion, transfer, dismissal, loss of pay, reassignment,~~  
34 ~~or similar action which would be considered a punitive measure, then, before taking such action,~~

1 ~~the law enforcement agency shall give notice to the law enforcement officer that he or she is entitled~~  
2 ~~to a hearing on the issues by a hearing committee. The law enforcement officer may be relieved of~~  
3 ~~duty subject to § 42-28.6-13 of this chapter, and shall receive all ordinary pay and benefits as he~~  
4 ~~or she would have if he or she were not charged.~~

5 ~~Disciplinary action for violation(s) of departmental rules and/or regulations shall not be~~  
6 ~~instituted against a law enforcement officer under this chapter more than three (3) years after such~~  
7 ~~incident, except where such incident involves a potential criminal offense, in which case~~  
8 ~~disciplinary action under this chapter may be instituted at any time within the statutory period of~~  
9 ~~limitations for such offense.~~

10 ~~(b) Notice under this section shall be in writing and shall inform the law enforcement~~  
11 ~~officer of the following:~~

12 ~~(i) The nature of the charge(s) against him or her and, if known, the date(s) of the alleged~~  
13 ~~offense(s);~~

14 ~~(ii) The recommended penalty;~~

15 ~~(iii) The fact that he or she has five (5) days from receipt of the notice within which to~~  
16 ~~submit a written request for a hearing; and~~

17 ~~(iv) The name and address of the officer to whom a written request for a hearing (and other~~  
18 ~~related written communications) should be addressed.~~

19 ~~(c) The law enforcement officer shall, within five (5) days of his or her receipt of notice~~  
20 ~~given pursuant to subsection (b) herein, file a written request for hearing with the officer designated~~  
21 ~~in accordance with subdivision (b)(iv). Failure to file a written request for a hearing shall constitute~~  
22 ~~a waiver of his or her right to a hearing under this chapter; provided, however, that the presiding~~  
23 ~~justice of the superior court, upon petition and for good cause shown, may permit the filing of an~~  
24 ~~untimely request for hearing.~~

25 ~~(d) The law enforcement officer shall provide the charging law enforcement agency with~~  
26 ~~the name of one active or retired law enforcement officer to serve on the hearing committee, within~~  
27 ~~five (5) days of the filing of his or her request for a hearing. Failure by the law enforcement officer~~  
28 ~~to file his or her filing committee selection within the time period shall constitute a waiver of his~~  
29 ~~or her right to a hearing under this chapter; provided, however, that the presiding justice of the~~  
30 ~~superior court, upon petition and for good cause shown, may permit the filing of an untimely~~  
31 ~~hearing committee selection by the officer. The charging law enforcement agency may impose the~~  
32 ~~recommended penalty during the pendency of any such petition.~~

33 ~~(e) The charging law enforcement agency shall provide the law enforcement officer with~~  
34 ~~the name of one active or retired law enforcement officer to serve on the hearing committee, within~~

1 ~~five (5) days of its receipt of the officer's request for a hearing. Failure by the charging law~~  
2 ~~enforcement agency to file its hearing committee selection within that time period shall constitute~~  
3 ~~a dismissal of all charges against the law enforcement officer, with prejudice; provided, however,~~  
4 ~~that the presiding justice of the superior court, upon petition and for good cause shown, and permit~~  
5 ~~the filing of an untimely hearing committee selection by the agency. Except as expressly provided~~  
6 ~~in § 42-28.6-13 of this chapter, no disciplinary action shall be taken against the officer by virtue~~  
7 ~~of the stated charges during the pendency of any such petition.~~

8 ~~(f) Within five (5) days of the charging law enforcement agency's selection of a hearing~~  
9 ~~committee member, the hearing committee members selected by the officer and by the agency~~  
10 ~~shall:~~

11 ~~(i) Jointly select a third hearing committee member, who shall serve as chairperson of the~~  
12 ~~hearing committee;~~

13 ~~(ii) Petition the presiding justice of the superior court to select a third hearing committee~~  
14 ~~member, who shall be an active law enforcement officer, and who shall serve as chairperson of the~~  
15 ~~hearing committee; or~~

16 ~~(iii) Agree to an extension of time, not to exceed thirty (30) days, for the selection of a third~~  
17 ~~hearing committee member.~~

18 ~~(g) Law enforcement officers selected to serve on a hearing committee under this chapter~~  
19 ~~shall be relieved of duty for each day of actual hearing and shall be compensated by their respective~~  
20 ~~agencies at their ordinary daily rate of pay for each day actually spent in the conduct of the hearing~~  
21 ~~hereunder.~~

22 ~~(h) Two (2) lists of active police officers available to serve as chairpersons of hearing~~  
23 ~~committees under this chapter shall be provided annually to the presiding justice of the superior~~  
24 ~~court. One list shall be provided by the Rhode Island Police Chiefs' Association; the other shall be~~  
25 ~~appointed, jointly, by the Fraternal Order of Police and the International Brotherhood of Police~~  
26 ~~Officers. In selecting officers to serve as chairpersons of hearing committees under this chapter,~~  
27 ~~the presiding justice shall alternate between the two (2) lists so provided.~~

28 ~~(i) Whenever a law enforcement officer faces disciplinary action as a result of criminal~~  
29 ~~charges, the provisions of subsections (c), (d), (e) and (f) shall be suspended pending the~~  
30 ~~adjudication of said criminal charges.~~

31 **42-28.6-5. Conduct of hearing.**

32 ~~(a) The hearing shall be conducted by the hearing committee selected in accordance with~~  
33 ~~§ 42-28.6-4 of this chapter. Both the law enforcement agency and the law enforcement officer shall~~  
34 ~~be given ample opportunity to present evidence and argument with respect to the issues involved.~~

1 ~~Both may be represented by counsel.~~

2 ~~(b) The hearing shall be convened at the call of the chair; shall commence within thirty~~  
3 ~~(30) days after the selection of a chairperson of the hearing committee; and shall be completed~~  
4 ~~within sixty (60) days of the commencement of the hearing. The hearing committee shall render a~~  
5 ~~written decision within thirty (30) days after the conclusion of the hearing. The time limits~~  
6 ~~established in this subsection may be extended by the presiding justice of the superior court for~~  
7 ~~good cause shown.~~

8 ~~(c) Not less than ten (10) days prior to the hearing date, the charging law enforcement~~  
9 ~~agency shall provide to the law enforcement officer:~~

10 ~~(i) A list of all witnesses, known to the agency at that time, to be called by the agency to~~  
11 ~~testify at the hearing;~~

12 ~~(ii) Copies of all written and/or recorded statements by such witnesses in the possession of~~  
13 ~~the agency; and~~

14 ~~(iii) A list of all documents and other items to be offered as evidence at the hearing.~~

15 ~~(d) Not less than five (5) days prior to the hearing date, the law enforcement officer shall~~  
16 ~~provide to the charging law enforcement agency a list of all witnesses, known to the officer at that~~  
17 ~~time, to be called by the officer to testify at the hearing.~~

18 ~~(e) Failure by either party to comply with the provisions of subsections (c) and (d) of this~~  
19 ~~section shall result in the exclusion from the record of the hearing of testimony and/or evidence not~~  
20 ~~timely disclosed in accordance with those subsections.~~

21 ~~**42-28.6-6. Evidence at hearing—Hearing record.**~~

22 ~~(a) Evidence which possesses probative value commonly accepted by reasonable and~~  
23 ~~prudent persons in the conduct of their affairs shall be admissible and shall be given probative~~  
24 ~~effect. The hearing committee conducting the hearing shall give effect to the rules of privilege~~  
25 ~~recognized by law, and may exclude incompetent, irrelevant, immaterial, and unduly repetitious~~  
26 ~~evidence. All records and documents which any party desires to use shall be offered and made part~~  
27 ~~of the record.~~

28 ~~(b) No statements, documents and/or other evidence and no copies of any statements,~~  
29 ~~documents and/or other evidence shall be presented to the hearing committee prior to the hearing.~~

30 ~~(c) All proceedings before the hearing committee shall be recorded by stenographic record,~~  
31 ~~the expense of which shall be borne by the charging law enforcement agency. A copy of the record~~  
32 ~~shall be provided to the law enforcement officer or his or her attorney or representative of record~~  
33 ~~upon request.~~

34 ~~**42-28.6-7. Subpoena—Oath—Production of documents.**~~

1           ~~With respect to the subject of any investigation or hearing conducted pursuant to this~~  
2 ~~section, the hearing committee may subpoena witnesses and administer oaths or affirmations and~~  
3 ~~examine any individual under oath, and may require and compel the production of records, books,~~  
4 ~~papers, contracts, and other documents.~~

5           ~~**42-28.6-8. Witness fees.**~~

6           ~~Witness fees and mileage, if claimed, shall be allowed the same as for testimony in the~~  
7 ~~superior court. Witness fees, mileage, and the actual expenses necessarily incurred in securing~~  
8 ~~attendance of witnesses and their testimony shall be itemized, and shall be paid by the law~~  
9 ~~enforcement agency if the officer is ultimately found innocent.~~

10          ~~**42-28.6-9. Cross-examination and rebuttal.**~~

11          ~~Every party has the right of cross-examination of the witnesses who testify, and may submit~~  
12 ~~rebuttal evidence.~~

13          ~~**42-28.6-10. Judicial notice.**~~

14          ~~The hearing committee conducting the hearing may take notice of judicially cognizable~~  
15 ~~facts and, in addition, may take notice of general, technical, or scientific facts within its specialized~~  
16 ~~knowledge.~~

17          ~~**42-28.6-11. Decisions of hearing committee.**~~

18          ~~(a) The hearing committee shall be empowered to sustain, modify in whole or in part, or~~  
19 ~~reverse the complaint or charges of the investigating authority, as provided in § 42-28.6-4.~~

20          ~~(b) Any decision, order, or action taken as a result of the hearing shall be in writing and~~  
21 ~~shall be accompanied by findings of fact. The findings shall consist of a concise statement upon~~  
22 ~~each issue in the case. Copies of the decision or order and accompanying findings and conclusions~~  
23 ~~shall be delivered or mailed promptly to the law enforcement officer or to his or her attorney or~~  
24 ~~representative of record and to the law enforcement agency or to its attorney or representative of~~  
25 ~~record.~~

26          ~~(c) In any proceeding under this chapter, it shall be the burden of the charging law~~  
27 ~~enforcement agency to prove, by a fair preponderance of the evidence, that the law enforcement~~  
28 ~~officer is guilty of the offense(s) or violation(s) of which he or she is accused.~~

29          ~~**42-28.6-12. Appeals.**~~

30          ~~(a) Appeals from all decisions rendered by the hearing committee shall be to the superior~~  
31 ~~court in accordance with §§ 42-35-15 and 42-35-15.1. For purposes of this section, the hearing~~  
32 ~~committee shall be deemed an administrative agency and its final decision shall be deemed a final~~  
33 ~~order in a contested case within the meaning of §§ 42-35-15 and 42-35-15.1.~~

34          ~~(b) Within thirty (30) days after the service of the complaint in accordance with § 42-35-~~

1 ~~15, or within further time allowed by the court, the hearing committee shall transmit to the~~  
2 ~~reviewing court the original or a certified copy of the entire record of the proceeding under review.~~  
3 ~~By stipulation of all parties to the review proceedings, the record may be shortened. Any party~~  
4 ~~unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional~~  
5 ~~costs. The court may require or permit subsequent corrections or additions to the record.~~

6 **42-28.6-13. Suspensions.**

7 (a) ~~The provisions of this chapter are not intended to prohibit suspensions by the chief or~~  
8 ~~the highest ranking officer of the law enforcement agency.~~

9 (b) ~~Summary punishment of two (2) days' suspension without pay may be imposed for~~  
10 ~~minor violations of departmental rules and regulations. Appeals of suspension under this subsection~~  
11 ~~shall be subject to the grievance provisions of any applicable collective bargaining agreement.~~

12 (c) ~~Suspension may be imposed by the chief or the highest ranking sworn officer of the law~~  
13 ~~enforcement agency when the law enforcement officer is under investigation for a criminal felony~~  
14 ~~matter. Any suspension shall consist of the law enforcement officer being relieved of duty, and he~~  
15 ~~or she shall receive all ordinary pay and benefits as he or she would receive if he or she were not~~  
16 ~~suspended. Suspension under this subsection shall not exceed one hundred eighty (180) days.~~

17 (d) ~~Suspension may be imposed by the chief or highest ranking sworn officer of the law~~  
18 ~~enforcement agency when the law enforcement officer in under investigation for a misdemeanor~~  
19 ~~criminal matter. Any such suspension shall consist of the law enforcement officer being relieved~~  
20 ~~of duty, and he or she shall receive all ordinary pay and benefits as he or she would receive if he or~~  
21 ~~she were not suspended. Suspension under this subsection shall not exceed thirty (30) days;~~  
22 ~~provided, however, that if an officer is charged with a misdemeanor offense the chief or highest~~  
23 ~~ranking sworn officer of the law enforcement agency may continue said suspension with pay up to~~  
24 ~~a total of one hundred and eighty (180) days. If the disposition of the criminal matter does not take~~  
25 ~~place within one hundred eighty (180) days of the commencement of such suspension, the law~~  
26 ~~enforcement officer may be suspended without pay and benefits; provided, however, that the~~  
27 ~~officer's entitlement to such medical insurance, dental insurance, disability insurance and life~~  
28 ~~insurance as is available to all other officers within the agency shall not be suspended. The law~~  
29 ~~enforcement officer may petition the presiding justice of the superior court for a stay of the~~  
30 ~~suspension without pay, and such stay shall be granted upon a showing that said delay in the~~  
31 ~~criminal disposition was outside the law enforcement officer's control. In the event the law~~  
32 ~~enforcement officer is acquitted of any misdemeanor related thereto, the officer shall be forthwith~~  
33 ~~reinstated and reimbursed all salary and benefits that have not been paid during the suspension~~  
34 ~~period.~~



1 ~~(e) Suspension may be imposed by the chief or highest ranking sworn officer of the law~~  
2 ~~enforcement agency when the law enforcement officer is under investigation for a noncriminal~~  
3 ~~matter. Any such suspension shall consist of the law enforcement officer being relieved of duty,~~  
4 ~~and he or she shall receive all ordinary pay and benefits as he or she would receive if he or she were~~  
5 ~~not suspended. Suspension under this subsection shall not exceed fifteen (15) days or any other~~  
6 ~~time frame established under the provisions of any applicable collective bargaining agreement.~~

7 ~~(f) Suspension may be imposed by the chief or highest ranking sworn officer of the law~~  
8 ~~enforcement agency upon receipt of notice or disciplinary action in accordance with § 42-28.6-4(b)~~  
9 ~~of this chapter in which termination or demotion is the recommended punishment. Any such~~  
10 ~~suspension shall consist of the law enforcement officer being relieved of duty, and he or she shall~~  
11 ~~receive all ordinary pay and benefits as he or she would receive if he or she were not so suspended.~~

12 ~~(g) Any law enforcement officer who is charged, indicted or informed against for a felony~~  
13 ~~or who is convicted of and incarcerated for a misdemeanor may be suspended without pay and~~  
14 ~~benefits at the discretion of the agency or chief or highest ranking sworn officers; provided,~~  
15 ~~however, that the officer's entitlement to medical insurance, dental insurance, disability insurance~~  
16 ~~and life insurance as is available to all other officers within the agency shall not be suspended. In~~  
17 ~~the event that the law enforcement officer is acquitted of any felony related thereto, the officer shall~~  
18 ~~be reinstated and reimbursed forthwith for all salary and benefits that have not been paid during the~~  
19 ~~suspension period.~~

20 ~~(h) Any law enforcement officer who is convicted of a felony shall, pending the prosecution~~  
21 ~~of an appeal, be suspended without pay and benefits; provided, however, that the officer's~~  
22 ~~entitlement to such medical insurance, dental insurance, disability insurance and life insurance as~~  
23 ~~is available to all other officers within the agency shall not be suspended. Whenever, upon appeal,~~  
24 ~~such conviction is reversed, the suspension under this subsection shall terminate and the law~~  
25 ~~enforcement officer shall forthwith be paid the salary and benefits that would have been paid to~~  
26 ~~him or her during that period of suspension.~~

27 ~~(i) Any law enforcement officer who pleads guilty or no contest to a felony charge or whose~~  
28 ~~conviction of a felony has, after or in the absence of a timely appeal, become final may be dismissed~~  
29 ~~by the law enforcement agency and, in the event of such dismissal, other provisions of this chapter~~  
30 ~~shall not apply.~~

31 **42-28.6-14. Retaliation for exercising rights.**

32 ~~(a) No law enforcement officer shall be discharged, demoted, disciplined, or denied~~  
33 ~~promotion, transfer or reassignment, or otherwise discriminated against in regard to his or her~~  
34 ~~employment or be threatened with any such treatment, by reason of his or her exercise of or demand~~

1 ~~for rights granted in this subtitle, or by reason of the lawful exercise of his or her constitutional~~  
2 ~~rights.~~

3 ~~(b) Any law enforcement officer who is denied any right afforded by this subtitle may~~  
4 ~~apply, either individually or through his or her certified or recognized employee organization, to~~  
5 ~~the superior court where he or she resides or is regularly employed for any order directing the law~~  
6 ~~enforcement agency to show cause why the right should not be afforded.~~

7 ~~**42-28.6-15. Exclusivity of remedy.**~~

8 ~~The remedies contained herein shall be the sole and exclusive remedies for all law~~  
9 ~~enforcement officers subject to the provisions of this chapter.~~

10 ~~**42-28.6-16. Immunity of hearing committee members.**~~

11 ~~No member of a hearing committee constituted in accordance with the provisions of this~~  
12 ~~chapter shall be held civilly liable for any breach of his or her duties as such member, provided that~~  
13 ~~nothing herein shall eliminate or limit the liability of a qualified member:~~

14 ~~(1) For acts or omissions not in good faith or which involve intentional misconduct or a~~  
15 ~~knowing violation of law; or~~

16 ~~(2) For any transaction from which such member derived an improper personal benefit; or~~

17 ~~(3) For any malicious, willful or wanton act.~~

18 ~~**42-28.6-17. Severability.**~~

19 ~~If any provision of this chapter or other application thereof shall for any reason be judged~~  
20 ~~invalid such a judgment shall not affect, impair or invalidate the remainder of the law, but shall be~~  
21 ~~confined in its effect to the provisions or application directly involved in the controversy giving~~  
22 ~~rise to the judgment.~~

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

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LC003744  
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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 repeal the law enforcement officers' bill of rights, chapter 42-28.6 of the
- 2 general laws, in its entirety.
- 3           This act would take effect upon passage.

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