

2025 -- H 6164

LC002520

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ATTORNEY
GENERAL

Introduced By: Representatives Morales, Ackerman, Kennedy, Azzinaro, McNamara,
Bennett, Lima, Corvese, and Giraldo

Date Introduced: April 02, 2025

Referred To: House State Government & Elections

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-9 of the General Laws entitled "Department of Attorney General"

2 is hereby amended by adding thereto the following section:

3 **42-9-20. Authority as chief law enforcement officer.**

4 (a) There shall be within the department of the attorney general a bureau of public
5 protection ("bureau"). The attorney general shall designate an assistant attorney general to lead said
6 bureau. The attorney general shall appoint such special assistant attorneys general, assistant
7 attorneys general, experts, consultants, clerical and other assistants as the work of the bureau may
8 require.

9 (1) The bureau shall be made up of at least four (4) units dedicated to consumer protection
10 and antitrust enforcement, health care regulation and access, environmental protection and energy
11 regulation, and the protection of civil rights. Additional units within the bureau may be established
12 at the direction of the attorney general. The following statutory positions and authorities shall be
13 assigned to the bureau:

14 (i) Health care advocate, pursuant to chapter 9.1 of title 42;

15 (ii) Insurance advocate, pursuant to chapter 36 of title 27;

16 (iii) Civil rights advocate, pursuant to chapter 9.3 of title 42;

17 (iv) Lead advocate, pursuant to § 23-24.6-23;

18 (v) Environmental advocate, pursuant to § 10-20-3; and

1 (vi) Antitrust division, pursuant to § 6-36-14.

2 (2) In addition to other responsibilities, duties, and powers of the attorney general as set
3 forth in the general laws and pursuant to the common law of the State of Rhode Island, and subject
4 to the approval of the attorney general, any assistant attorney general or special assistant attorney
5 general within the bureau is authorized to apply on behalf of the attorney general, and in the name
6 of the people of the State of Rhode Island, for relief pursuant to this section, in accordance with
7 applicable court rules, the general laws, and the constitution.

8 (b) For the purposes of this section, the terms:

9 (1) "Persistent illegality" means an ongoing or continuing course of illegal conduct.

10 (2) "Repeated illegal acts" means more than one illegal act or an illegal act which affects
11 more than one person.

12 (c) Whenever any person shall engage in repeated illegal acts, or otherwise demonstrates
13 persistent illegality in the carrying on, conducting or transaction of business or governmental
14 activity, the attorney general may apply, in the name of the people of the State of Rhode Island, to
15 the superior court of the State of Rhode Island, for an order to protect the public through the
16 enjoining of the continuance of such illegal acts, and directing restitution, damages, and penalties
17 as set forth in § 6-13.1-8 and, in an appropriate case, cancelling any certificate filed with the
18 secretary of state, and the court may award the relief applied for or so much thereof as it may deem
19 proper.

20 (d) In connection with any such application, the attorney general is authorized to take proof
21 and make a determination of the relevant facts and to issue civil investigative demands to any
22 person as defined in §§ 6-13.1-1 or 43-3-6, and in accordance with and subject to the limitations of
23 the rules set forth in § 6-13.1-7. Such authorization may precede any application made pursuant to
24 this section and shall not abate or terminate by reason of any action or proceeding brought by the
25 attorney general under this section.

26 (e) This section does not apply to entities or individuals subject to the exemptions set forth
27 in §6-13.1-4.

28 (f)(1) The department of the attorney general shall annually prepare and submit a report to
29 the speaker of the house and the president of the senate on or before April 1 of each year.

30 (2) The annual report shall contain the following categories:

31 (i) The number of investigations conducted by the department of the attorney general
32 pursuant to this section;

33 (ii) The number of applications made by the department of the attorney general to the
34 superior court pursuant to this section;

1 (iii) The outcome of such applications to the superior court including, but not limited to,
2 injunctions obtained, restitution granted, amount of damages awarded, amount of civil penalties
3 imposed, and the number of denials of the applications submitted; and

4 (iv) The usefulness of this section, recommendations and any other information the
5 department of the attorney general deems noteworthy.

6 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 STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ATTORNEY
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1 This act would establish a bureau of public protection within the department of attorney
2 general. The act would also allow the attorney general to investigate and bring an enforcement
3 action against persistent illegality in the carrying on, conducting, or transaction of business or
4 governmental activity.

5 This act would take effect upon passage.

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