

2026 -- S 2045 SUBSTITUTE A

LC003706/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO CRIMINAL PROCEDURE -- PROTECT OUR COURTS ACT

Introduced By: Senators Kallman, Euer, Bissailon, Ciccone, Murray, Zurier, McKenney,
Mack, Quezada, and Acosta

Date Introduced: January 09, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 12 of the General Laws entitled "CRIMINAL PROCEDURE" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 34

4 PROTECT OUR COURTS ACT

5 **12-34-1. Short title.**

6 This act shall be known and may be cited as the "Protect Our Courts Act."

7 **12-34-2. Definitions.**

8 For the purposes of this chapter, the following words and terms have the following
9 meanings:

10 (1) "Civil arrest" means an arrest that is not:

11 (i) For the sole or primary purpose of preparing the person for criminal prosecution for an
12 alleged violation of the criminal law of this state, another state, or the United States, for which a
13 sentence of imprisonment is authorized by law and which requires an appearance before a judicial
14 officer; or

15 (ii) For contempt of the court in which the court proceeding is taking place or will take
16 place.

17 (2) "Court proceeding" means any appearance in a court of this state before a judge, justice,
18 or magistrate ordered or scheduled by such judicial officer, or the filing of papers designed to
19 initiate such an appearance.

1 (3) "Covered individual" means:
2 (i) A party to a judicial proceeding;
3 (ii) A witness or prospective witness;
4 (iii) A victim participating in a judicial proceeding; or
5 (iv) A family or household member, as defined by § 12-29-2, accompanying an individual
6 identified in subsection (3)(i), (ii), or (iii) of this section, where such accompaniment is reasonably
7 related to that individual's attendance at the proceeding

8 (4) "Judicial warrant or judicial order authorizing such civil arrest" means an arrest warrant
9 or other judicial order issued by a judicial officer of a local, state, or federal court, authorizing a
10 civil arrest and issued by the court in which proceedings following such arrest will be heard and
11 determined.

12 **12-34-3. Privilege from civil arrest at court proceedings.**

13 (a) A covered individual shall be privileged from civil arrest while:
14 (i) Traveling to a judicial proceeding;
15 (ii) Attending a judicial proceeding;
16 (iii) Remaining at a judicial proceeding; or
17 (iv) Returning directly from a judicial proceeding.

18 (b) Such privilege from civil arrest shall apply only during a reasonable period of travel
19 and attendance under the circumstances.

20 (c) Such privilege from civil arrest shall not apply when the civil arrest is supported by a
21 judicial warrant or a judicial order authorizing such civil arrest.

22 (d) It may be punishable as contempt of court for any person to willfully violate § 12-34-
23 3(a), or an order of the court issued pursuant to § 12-34-6, by executing an arrest prohibited by this
24 section or by willfully assisting in such prohibited arrest; provided, however, that nothing in this
25 subsection shall affect any right or defense of any person, law enforcement officer, peace officer,
26 or public officer acting pursuant to lawful authority, or any judicial branch personnel acting
27 lawfully pursuant to their duty to maintain safety and order in the courts.

28 **12-34-4. Civil actions; enforcement.**

29 Regardless of whether a proceeding for contempt of court pursuant to § 12-34-3(b) has
30 been initiated:

31 (1) A person described in § 12-34-3(a) may bring a civil action for appropriate equitable
32 and declaratory relief if such person has reasonable cause to believe that a violation of §§ 12-34-3
33 or 12-34-6 has occurred or may occur; and

34 (2) The attorney general of the State of Rhode Island may bring a civil action in the name

1 of the state to obtain appropriate equitable and declaratory relief if the attorney general has
2 reasonable cause to believe that a violation of §§ 12-34-3 or 12-34-6 has occurred or may occur.

3 (3) In any successful action pursuant to § 12-34-3, a plaintiff or petitioner may recover
4 costs and reasonable attorneys' fees.

5 **12-34-5. Preservation of existing rights.**

6 Nothing in this chapter shall be construed to narrow, limit, or otherwise lessen any common
7 law or statutory right or privilege of a person privileged from arrest under this chapter or otherwise.

8 **12-34-6. Authority of the courts and rulemaking.**

9 (a) In order to maintain access to the courts and open judicial proceedings for all persons
10 in their individual capacity and to prevent interference with the needs of judicial administration,
11 any court of this state shall have the authority to issue appropriate judicial orders to protect the
12 privilege from civil arrest in accordance with this chapter.

13 (b) The chief justice of the supreme court, or the court administrator acting under the
14 authority of the chief justice, may promulgate rules consistent with this chapter including, but not
15 limited to, the following:

16 (1) Any representative of a law enforcement agency who, while acting in an official
17 capacity, enters a courthouse of this state intending to observe an individual or take an individual
18 into custody shall identify himself or herself to court security personnel and state the specific law
19 enforcement purpose and proposed enforcement action;

20 (2) Any warrant or judicial order concerning such intended arrest shall be promptly
21 reviewed by appropriate judicial personnel;

22 (3) Except in extraordinary circumstances, no arrest shall be made in a courtroom without
23 leave of the court;

24 (4) No civil arrest shall be executed inside a courthouse of this state except pursuant to a
25 judicial warrant or judicial order authorizing such arrest; or

26 (5) An incident or occurrence report shall be filed for every enforcement action taken inside
27 a courthouse.

28 **12-34-7. Limitation on actions against judiciary personnel.**

29 No action or proceeding may be commenced pursuant to this chapter against the judicial
30 branch or any judicial branch personnel acting lawfully pursuant to their duty to maintain safety
31 and order in the courts.

32 **12-34-8. Severability.**

33 The provisions of this chapter shall be liberally construed to promote access to the courts
34 and participation in judicial proceedings. If any provision of this chapter or the application thereof

1 to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity
2 shall not affect the remaining provisions or applications of this chapter, and to that end the
3 provisions of this chapter are declared to be severable.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE -- PROTECT OUR COURTS ACT

1 This act would protect people attending Rhode Island court proceedings from civil arrest
2 without a judicial warrant, ensures court access, sets enforcement rules, and provides remedies for
3 violations.

4 This act would take effect upon passage.

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