

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

SENATE RESOLUTION

RESPECTFULLY REQUESTING THE JUSTICES OF THE SUPREME COURT TO GIVE A WRITTEN OPINION UPON CERTAIN QUESTIONS OF LAW

Introduced By: Senator Matthew L. LaMountain

Date Introduced: May 08, 2026

Referred To: Senate Judiciary

1 WHEREAS, Article X, Section 3 of the Constitution of the State of Rhode Island
2 provides that “the judges of the supreme court shall give their written opinion upon any question
3 of law whenever requested by the governor or by either house of the general assembly”; and

4 WHEREAS, There is currently pending before the Senate of the State of Rhode Island a
5 bill, 2026 - S 2616, “An Act Relating to Courts and Civil Procedure—Procedure Generally—
6 Causes of Action,” which would amend R.I.G.L. § 9-1-51, and if enacted, would revive time-
7 barred civil claims, for any party, for the alleged sexual abuse of a minor or conduct that caused
8 or contributed to the alleged sexual abuse of a minor, and permits previously time-barred claims
9 to be resurrected within a court of appropriate jurisdiction of this state by June 30, 2028; and

10 WHEREAS, Article I, Section 2 of the Constitution of the State of Rhode Island provides
11 that “No person shall be deprived of life, liberty or property without due process of law, nor shall
12 any person be denied equal protection of the laws”; and

13 WHEREAS, Article V of the Constitution of the State of Rhode Island provides that “the
14 powers of the government shall be distributed into three separate and distinct departments: the
15 legislative, executive and judicial”; and

16 WHEREAS, The Rhode Island Supreme Court has not addressed the constitutionality of
17 the retroactive provision of R.I.G.L. § 9-1-51 and declined to do so in the matter of [Houllahan v.](#)
18 [Gelineau](#), as it was not properly before the Court; and

19 WHEREAS, The Senate of the State of Rhode Island seeks to assure the people of the

1 State that the proposal is constitutional; and

2 WHEREAS, It is in the interest of all sides of the public-policy debate as well as the
3 interest in legislative and judicial economy to have resolved the question of constitutionality of
4 2026 - S 2616 at the earliest possible time and decided on an expedited basis; and

5 WHEREAS, The questions of constitutionality presented below are pure questions of law
6 involving consideration of the proposed legislation in light of the language of the Constitution of
7 the State of Rhode Island; now, therefore be it

8 RESOLVED, That in accordance with Article X, Section 3 of the Constitution of the
9 State of Rhode Island, the Senate of the State of Rhode Island hereby respectfully requests the
10 Justices of the Rhode Island Supreme Court to give a written opinion, on an expedited basis, upon
11 the following questions of law concerning the proposed act, 2026 - S 2616:

12 (1) Whether the proposed act, if duly enacted into law, would violate Article I, Section 2
13 of the Constitution of the State of Rhode Island by infringing upon individuals' rights to civil due
14 process and equal protection, in that it purports to revive previously time-barred claims without
15 affording constitutionally sufficient notice and a meaningful opportunity to be heard and defend
16 against such claims; and

17 (2) Whether the proposed act, if duly enacted into law, would violate Article V of the
18 Rhode Island Constitution, the so-called Distribution of Powers amendment, which governs the
19 ability of the legislative branch to revive claims previously dismissed by the judiciary and entered
20 as final judgements; and be it further

21 RESOLVED, That a duly certified copy of this resolution, together with a copy of the
22 bill, 2026 - S 2616, be transmitted forthwith by the Senate to the clerk of the Supreme Court, to
23 be presented immediately to the justices of said court for their consideration.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
SENATE RESOLUTION
RESPECTFULLY REQUESTING THE JUSTICES OF THE SUPREME COURT TO GIVE A
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- 1 This resolution would request that the Supreme Court provide a written opinion on
- 2 matters related to Senate bill 2026 - S 2616 relating to Courts and Civil Procedure -- Procedure
- 3 Generally -- Causes of Action.

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