

2009 -- H 5172

LC00588

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO CRIMINAL PROCEDURE -- RESTRICTION ON POLITICAL  
SURVEILLANCE

Introduced By: Representatives Driver, Ajello, Almeida, DaSilva, and Lally

Date Introduced: January 27, 2009

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 CHAPTER 32

4 RESTRICTION ON POLITICAL SURVEILLANCE

5 **12-32-1. Political surveillance -- Prohibition.** – (a) No state or municipal law  
6 enforcement agency may collect or maintain information about the political, religious or social  
7 views, associations or activities of any individual, group, association, organization, corporation,  
8 or business unless there are reasonable grounds to suspect the subject of the information is  
9 involved in criminal conduct and such information directly relates to the investigation of those  
10 criminal activities.

11 (b) No state or municipal law enforcement agency shall use agency funds, or funds made  
12 available through the federal government, for the purpose of:

13 (1) Interfering with the right of any person to engage in peaceful expressive activities; or

14 (2) Training law enforcement personnel in methods or procedures for conducting  
15 surveillance of, interfering with, or obstructing lawful protests, demonstrations or other activities  
16 protected by the First Amendment to the United States Constitution and/or article 1, section 21 of  
17 the Rhode Island Constitution.

18 (c) Remedies – In any civil action alleging a violation of this chapter, the court may:

1           (1) Award compensatory and punitive damages, and reasonable attorneys' fees and costs  
2 to a prevailing plaintiff; and

3           (2) Afford injunctive relief against any agency that commits or proposes to commit a  
4 violation of this chapter.

5           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 -- RESTRICTION ON POLITICAL  
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1           This act would require that state and municipal law enforcement agencies may not collect  
2 or maintain information about political, religious, social view associations or activities of anyone  
3 unless there is reasonable grounds to suspect that the subject of the information is involved in  
4 criminal conduct and the information directly relates to the investigation of that criminal activity.  
5 It would also provide that state and municipal law enforcement agency funds shall not be used to  
6 inhibit activities protected by the First Amendment. This act would provide for remedies if  
7 violated.

8           This act would take effect upon passage.

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