

2010 -- H 7425

LC00926

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL OFFENSES -- CRIMES AGAINST PUBLIC TRUST

Introduced By: Representatives Kilmartin, Walsh, Martin, Pacheco, and Fierro

Date Introduced: February 09, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 11-69

4 GOVERNMENT INTEGRITY AND PUBLIC ACCOUNTABILITY ACT OF 2010

5 **11-69-1. Short title.** – This act shall be known and may be cited as the "Government  
6 Integrity and Public Accountability Act of 2010."

7 **11-69-2. Legislative findings.** – The general assembly finds and declares that:

8 (1) Government integrity is the backbone of efficient and effective state and municipal  
9 governments.

10 (2) Instances of abuse of the public trust have had a negative impact on the operation of  
11 state and municipal governments.

12 (3) Abuse of the public trust erodes confidence in government and deprives the citizens  
13 of the state of Rhode Island of a government that operates in furtherance of the public good.

14 (4) The citizens of the state of Rhode Island have the inalienable right to an open an  
15 accountable government and public servants that are held to honest and ethical standards.

16 (5) The public needs assurance that the State of Rhode Island and its cities and towns are  
17 operating in good faith.

18 (6) In order to provide a safeguard against abuse of the public trust by public servants at  
19 all levels, the general assembly declares that public servants have a duty to provide the citizens of

1 the state of Rhode Island impartial, unbiased and honest service.

2 **11-69-3. Definitions.** – As used in this chapter:

3 (1) "Public servant" means:

4 (i) Any full-time or part-time employee in the classified, nonclassified and unclassified  
5 service of the state or of any city or town employee within the state, any individual serving in any  
6 appointed state or municipal position, any employee of any public or quasi-public state or  
7 municipal board, commission or corporation, and any contractual employee of the state or any  
8 city or town within the state;

9 (ii) Any officer or member of a state or municipal agency as defined in subsection 36-14-  
10 2(8) who is appointed for a term of office specified by the constitution or a statute of this state or  
11 a charter or ordinance of any city or town or who is appointed by or through the governing body  
12 or highest official of state or municipal government;

13 (iii) Any person holding any elective public office pursuant to a general or special  
14 election.

15 **11-69-4. Theft of honest services.** – (a) It shall be unlawful for any public servant to  
16 fraudulently engage in, or attempt to engage in, any conduct that deprives the public of the  
17 intangible right of his or her honest services.

18 (b) Any person convicted of a violation of this section shall be guilty of a felony and  
19 subject to imprisonment of up to ten (10) years or a fine of not more than one hundred fifty  
20 thousand dollars (\$150,000) or both.

21 **11-69-5. Civil damages for engaging in illegal acts.** – In addition to any criminal  
22 penalties, a public servant convicted of a misdemeanor or felony or attempted felony or  
23 misdemeanor under the laws of the United States, the State of Rhode Island or any other  
24 jurisdiction knowingly committed in his or her official capacity shall be liable for the restitution  
25 of anything of value received by him or her in the course of such violation. Action for recovery  
26 of amounts under this section shall be brought in the superior court of any county in which any  
27 element of the crime occurred. The actions shall be brought in the name of the state by the  
28 attorney general for the benefit and use of the state.

29 SECTION 2. Section 12-12-17 of the General Laws in Chapter 12-12 entitled  
30 "Indictments, Informations and Complaints" is hereby amended to read as follows:

31 **12-12-17. Statute of limitations.** -- (a) There shall be no statute of limitations for the  
32 following offenses: treason against the state, any homicide, arson, first degree arson, second  
33 degree arson, third degree arson, burglary, counterfeiting, forgery, robbery, rape, first degree  
34 sexual assault, first degree child molestation sexual assault, second degree child molestation

1 sexual assault, bigamy, manufacturing, selling, distribution or possession with intent to  
2 manufacture, sell or distribute a controlled substance under the Uniform Controlled Substance  
3 Act, chapter 28 of title 21, or any other offense for which the maximum penalty provided is life  
4 imprisonment.

5 (b) The statute of limitations for the following offenses shall be ten (10) years: larceny  
6 under section 11-41-2 (receiving stolen goods), section 11-41-3 (embezzlement and fraudulent  
7 conversion), section 11-41-4 (obtaining property by false pretenses or personation), section 11-  
8 41-11 (embezzlement by bank officer or employee), section 11-41-12 (fraudulent conversion by  
9 agent or factor), and section 11-41-13 (obtaining signature by false pretenses), or any larceny  
10 which is punishable as a felony; any violation of chapter 7 of title 11 (bribery); any violation of  
11 section 11-18-1 (giving false document to agent, employee, or public official); perjury; any  
12 violation of chapter 42 of title 11 (threats and extortion); any violation of chapter 15 of title 7  
13 (racketeer influenced and corrupt organizations); any violation of chapter 57 of title 11 (racketeer  
14 violence); or any violation of chapter 36 of title 6 (antitrust law); any violation of section 11-41-  
15 27 (wrongful conversion by officer or state or municipal employee); or any violation of chapter  
16 69 of title 11 (crimes against the public trust).

17 (c) The statute of limitations for any other criminal offense shall be three (3) years unless  
18 a longer statute of limitations is otherwise provided for in the general laws.

19 (d) Any person who participates in any offense, either as a principal accessory, or  
20 conspirator shall be subject to the same statute of limitations as if the person had committed the  
21 substantive offense.

22 (e) The statute of limitations for any violation of chapter 18.9 of title 23 (refuse  
23 disposal), chapter 19 of title 23 (solid waste management corporation), chapter 19.1 of title 23  
24 (hazardous waste management), chapter 12 of title 46 (water pollution), and chapter 13 of title 46  
25 (public drinking water supply) shall be seven (7) years from the time that the facts constituting  
26 the offense or violation shall have become known to law enforcement authorities, unless a longer  
27 statute of limitations is otherwise provided for in the general laws.

28 SECTION 3. This act shall take effect upon passage.

=====  
LC00926  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL OFFENSES -- CRIMES AGAINST PUBLIC TRUST

\*\*\*

1           This act would create a new chapter within title 11, entitled "Government Integrity and  
2 Public Accountability Act of 2010", defining and punishing theft of honest services. The act  
3 would also amend section 12-12-17 to extend the statute of limitations to ten (10) years for  
4 violations of this new chapter and section 11-41-27, wrongful conversion by officer or state or  
5 municipal employee.

6           The act would also provide that public servants who are convicted of any felony or  
7 misdemeanor or attempted felony or misdemeanor that was knowingly committed by them while  
8 in their official capacity would be liable for the restitution to the state or municipality, as  
9 appropriate, of anything of value received by them in the course of such violation.

10           This act would take effect upon passage.

=====  
LC00926  
=====