

2010 -- S 2325

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL PROCEDURE -- RESTRICTION ON POLITICAL
SURVEILLANCE

Introduced By: Senators C Levesque, Miller, Perry, and Ciccone

Date Introduced: February 11, 2010

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
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
17 of 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

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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 are 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 would not be used
6 to 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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