

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO THE DEPARTMENT OF PUBLIC SAFETY

Introduced By: Senators Coyne, McCaffrey, Ruggerio, Jabour, and Lynch Prata

Date Introduced: February 16, 2017

Referred To: Senate Judiciary

(Governor)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 12-2.2-1 and 12-2.2-5 of the General Laws in Chapter 12-2.2
2 entitled "Capitol Police for Public Buildings" are hereby amended to read as follows:

3 **12-2.2-1. Appointment of capitol police.**

4 The ~~director~~ commissioner of public safety may appoint qualified persons to act as
5 "capitol police officers," who shall be members of the state classified service. Upon appointment
6 of an officer, the ~~director~~ commissioner shall issue to the person a license to act as a capitol
7 police officer and the license shall, in the courts of this state, be evidence of the validity of the
8 appointment of the person named and of his or her authority to act as a capitol police officer at
9 any of the buildings or grounds within the jurisdiction of the division of public buildings as
10 assigned by the chief of public buildings.

11 **12-2.2-5. Classes in law enforcement.**

12 All capitol police shall be required to attend and successfully complete any law
13 enforcement courses that the ~~director~~ commissioner of public safety shall require. These law
14 enforcement courses will be conducted by either the state police or the municipal police training
15 school for the benefit of the capitol police.

16 SECTION 2. Section 36-4-2 of the General Laws in Chapter 36-4 entitled "Merit
17 System" is hereby amended to read as follows:

18 **36-4-2. Positions in unclassified service.**

19 (a) The classified service shall comprise all positions in the state service, now existing or

1 hereinafter established, except the following specific positions which, with other positions
2 heretofore or hereinafter specifically exempted by legislative act, shall constitute the unclassified
3 service:

4 (1) Officers and legislators elected by popular vote and persons appointed to fill
5 vacancies in elective offices.

6 (2) Employees of both houses of the general assembly.

7 (3) Officers, secretaries, and employees of the office of the governor, office of the
8 lieutenant governor, department of state, department of the attorney general, and the treasury
9 department.

10 (4) Members of boards and commissions appointed by the governor, members of the state
11 board of elections and the appointees of the board, members of the commission for human rights
12 and the employees of the commission, and directors of departments.

13 (5) The following specific offices:

14 (i) In the department of administration: director, chief information officer, cybersecurity
15 officer, director of office of management and budget, director of performance management,
16 deputy director, chief of staff, public information officer and legislative/policy director, and
17 within the health benefits exchange: director, deputy director, administrative assistant, senior
18 policy analyst, and chief strategic planning monitoring and evaluation;

19 (ii) In the department of business regulation: director;

20 (iii) In the department of elementary and secondary education: commissioner of
21 elementary and secondary education;

22 (iv) In the department of higher education: commissioner of postsecondary education;

23 (v) In the department of health: director, executive director, and deputy director;

24 (vi) In the department of labor and training: director, administrative assistant,
25 administrator of the labor board and legal counsel to the labor board, executive director, and
26 communications director;

27 (vii) In the department of environmental management: director;

28 (viii) In the department of transportation: director, chief operating officer,
29 administrator/division of project management, administrator/division of planning, chief of staff,
30 communications director, legislative director, and policy director;

31 (ix) In the department of human services: director and director of veterans' affairs;

32 (x) In the state properties committee: secretary;

33 (xi) In the workers' compensation court: judges, administrator, deputy administrator,
34 clerk, assistant clerk, clerk secretary;

- 1 (xii) In the division of elderly affairs: director;
- 2 (xiii) In the department of behavioral healthcare, developmental disabilities and hospitals:
3 director;
- 4 (xiv) In the department of corrections: director, assistant director (institutions/operations),
5 assistant director (rehabilitative services), assistant director (administration), and wardens;
- 6 (xv) In the department of children, youth and families: director, one assistant director,
7 one associate director, one executive director, and a chief of staff;
- 8 (xvi) In the public utilities commission: public utilities administrator;
- 9 (xvii) In the water resources board: general manager;
- 10 (xviii) In the human resources investment council: executive director.
- 11 (xix) In the office of health and human services: secretary of health and human services.
- 12 (xx) In the office of commerce: secretary, deputy secretary, chief of staff,
13 communications director, legislative director, and policy director.
- 14 (6) Chief of the hoisting engineers, licensing division, and his or her employees;
15 executive director of the veterans memorial building and his or her clerical employees.
- 16 (7) One confidential stenographic secretary for each director of a department and each
17 board and commission appointed by the governor.
- 18 (8) Special counsel, special prosecutors, regular and special assistants appointed by the
19 attorney general, the public defender and employees of his or her office, and members of the
20 Rhode Island bar occupying a position in the state service as legal counsel to any appointing
21 authority.
- 22 (9) The academic and/or commercial teaching staffs of all state institution schools, with
23 the exception of those institutions under the jurisdiction of the board of regents for elementary
24 and secondary education and the board of governors for higher education.
- 25 (10) Members of the military or naval forces, when entering or while engaged in the
26 military or naval service.
- 27 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the
28 supreme, superior, family, and district courts, the traffic tribunal, security officers of the traffic
29 tribunal, jurors, and any persons appointed by any court.
- 30 (12) Election officials and employees.
- 31 (13) Deputy sheriffs and other employees of the sheriffs division within the department
32 of public safety.
- 33 (14) Patient or inmate help in state charitable, penal, and correctional institutions and
34 religious instructors of these institutions and student nurses in training, residents in psychiatry in

1 training, and clinical clerks in temporary training at the institute of mental health within the state
2 of Rhode Island medical center.

3 (15) (i) Persons employed to make or conduct a temporary and special inquiry,
4 investigation, project, or examination on behalf of the legislature, or a committee therefor, or on
5 behalf of any other agency of the state if the inclusion of these persons in the unclassified service
6 is approved by the personnel administrator. The personnel administrator shall notify the house
7 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person
8 in the unclassified service.

9 (ii) The duration of the appointment of a person, other than the persons enumerated in
10 this section, shall not exceed ninety (90) days or until presented to the department of
11 administration. The department of administration may extend the appointment another ninety (90)
12 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

13 (16) Members of the division of state police within the department of public safety.

14 (17) Executive secretary of the Blackstone Valley district commission.

15 (18) Artist and curator of state-owned art objects.

16 (19) Mental health advocate.

17 (20) Child advocate.

18 (21) The position of aquaculture coordinator and marine infrastructure specialist within
19 the coastal resources management council.

20 (22) Employees of the office of the health insurance commissioner.

21 (23) In the department of revenue: the director, secretary, attorney.

22 (24) In the department of public safety: the ~~director~~ [commissioner](#).

23 (b) Provided, however, that, if any position added to the unclassified service by
24 legislative act after January 1, 2015, is occupied by a classified employee on June 30, 2015, such
25 position shall remain in the classified service until such position becomes vacant.

26 SECTION 3. Sections 42-7.3-3.2, 42-7.3-5, 42-7.3-6, 42-7.3-8 and 42-7.3-9 of the
27 General Laws in Chapter 42-7.3 entitled "Department of Public Safety" are hereby amended to
28 read as follows:

29 **42-7.3-3.2. Division of sheriffs.**

30 (a) Division established. A division of sheriffs is hereby established within the
31 department of public safety. This division shall be responsible for statewide activities assigned by
32 law which relate to the duties and functions of the sheriffs of the several counties. The division
33 also shall be responsible for all statewide activities assigned by law which relate to the duties and
34 functions of state marshals. Among its other responsibilities, the division shall also be responsible

1 for courtroom security and cellblocks in all state courthouses, training of personnel, transportation
2 of individuals charged with crimes, and special operations.

3 (b) Powers and Duties.

4 (1) The division of sheriffs shall have the following powers and duties:

5 (i) To provide and maintain security for judges at all state courts;

6 (ii) To provide and maintain security in all courtrooms and other public areas within state
7 courthouses;

8 (iii) To provide and maintain security in the cellblocks in all state courts, and exercise all
9 powers as required and prescribed in all other provisions of the general laws and public laws
10 relating to the powers and duties of sheriffs.

11 (2) The division of sheriffs shall also have the following powers and duties previously
12 performed by the Rhode Island marshals:

13 (i) To be responsible for transportation statewide of prisoners to and from police
14 departments, the adult correctional institutions, all courthouses, and other places of detention;

15 (ii) To transport persons arrested by state and local police departments to places of
16 detention; provided, however, nothing in this subsection shall prevent state and local police
17 departments from transporting those persons;

18 (iii) To supervise the conduct of and maintain order and discipline of the prisoners in
19 their custody;

20 (iv) To be responsible for the custody and safety of prisoners while being transported to
21 and from court sessions, places of detention, and outside hospitals prior to commitment to the
22 adult correctional institutions;

23 (v) To be responsible for the custody and security of prisoners detained in the cellblock
24 areas in the Kent County courthouse and Providence County superior courthouse and for the
25 security of these prisoners during the hearing of their cases, and while in outside hospitals prior to
26 commitment to the adult correctional institutions;

27 (vi) To be responsible for the safety and welfare of prisoners in their custody;

28 (vii) To provide all security in connection with transportation in the execution of
29 extraditions, including, but not limited to, warrants, IAD (Interstate Agreement on Detainers),
30 arrest affidavits, interstate compact extradition, and criminal detainers; and

31 (viii) To carry firearms as prescribed.

32 (c) The ~~director~~ [commissioner](#) of the department of public safety shall appoint deputy
33 sheriffs pursuant to a rank structure determined by the ~~director~~ [commissioner](#) of the department of
34 public safety and other necessary classifications, subject to the appropriation process, to provide

1 assistance in the areas of courthouse and cellblock security, transportation of prisoners, staff
2 training and special operations. All employees in the division of sheriffs shall be in the
3 unclassified service pursuant to subdivision 36-4-2(a)(13).

4 **42-7.3-5. ~~Director of public safety -- Appointment.~~ Commissioner of public safety --**

5 **Appointment.**

6 (a) The department of public safety shall be administered by a ~~director, who shall also~~
7 ~~serve as superintendent of the Rhode Island state police~~ commissioner. The ~~director~~
8 commissioner shall be appointed by the governor and shall be subject to advice and consent of the
9 senate. The commissioner shall hold office at the pleasure of the governor and until a successor is
10 appointed and qualified.

11 (b) Wherever in the general or public laws, or any rule or regulation, any reference to the
12 director of the department of public safety shall appear, it shall be deemed to mean and shall
13 mean the commissioner of the department of public safety.

14 **42-7.3-6. ~~Duties and responsibilities of the director.~~ Duties and responsibilities of the**
15 **commissioner.**

16 (a) The ~~director~~ commissioner shall be responsible to the governor for managing the
17 department of public safety and for providing strategic leadership and direction to the divisions
18 and agencies within the department. The ~~director~~ commissioner of public safety is authorized to:

19 (b) Coordinate the administration and financing of public safety services and programs.

20 (c) Serve as the governor's chief advisor and liaison to federal policymakers on public
21 safety issues as well as the principal point of contact in the state on any such related matters.

22 (d) Resolve administrative, jurisdictional, operational, program, or policy conflicts
23 among divisions and agencies and to take necessary action;

24 (e) Assure continued progress toward improving the quality, the economy, the
25 accountability and the efficiency of state-administered public safety services;

26 (f) Prepare and integrate comprehensive budgets for the divisions and agencies within the
27 department.

28 (g) Utilize objective data to evaluate public safety goals, resource use and outcome
29 evaluation and to perform short and long-term policy planning and development.

30 (h) Conduct independent reviews of state public safety programs.

31 (i) Provide regular and timely reports to the governor and make recommendations with
32 respect to the state's public safety needs.

33 (j) Employ such personnel and contract for such consulting services as may be required to
34 perform the powers and duties lawfully conferred upon the ~~director~~ commissioner.

1 **42-7.3-8. Appointment of employees.**

2 The ~~director~~ commissioner, subject to the provisions of applicable state law and except as
3 otherwise provided for under applicable state law, shall be the appointing authority for all
4 employees of the department of public safety.

5 **42-7.3-9. Rules and regulations.**

6 The department of public safety is authorized to make and promulgate such rules and
7 regulations as ~~he or she~~ the commissioner deems necessary for the proper administration of this
8 chapter and to carry out the purposes thereof.

9 SECTION 4. Section 42-28-3 of the General Laws in Chapter 42-28 entitled "State
10 Police" is hereby amended to read as follows:

11 **42-28-3. Scope of responsibilities.**

12 (a) The Rhode Island state police and the superintendent shall be charged with the
13 responsibility of:

- 14 (1) Providing a uniformed force for law enforcement;
- 15 (2) Preparing rules and regulations for law enforcement;
- 16 (3) Maintaining facilities for crime detection and suppression; and
- 17 (4) Controlling traffic and maintaining safety on the highways.

18 (b) The superintendent shall be ex-officio state fire marshal.

19 (c) ~~The superintendent shall also serve as the director of the department of public safety.~~

20 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO THE DEPARTMENT OF PUBLIC SAFETY

1 This act would replace references to the director of public safety with commissioner of
2 public safety, and would require that the commissioner be appointed by the governor subject to
3 advice and consent of the senate, and would remove the requirement that the superintendent of
4 the state police also serve as the director of the department of public safety.

5 This act would take effect upon passage.

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