

2018 -- H 7468

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LC004475  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- EXECUTION

Introduced By: Representatives Edwards, Coughlin, Craven, McEntee, and Keable

Date Introduced: February 07, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-25-15 of the General Laws in Chapter 9-25 entitled "Execution"

2 is hereby amended to read as follows:

3 **9-25-15. Cases in which execution may issue against body.**

4 An execution, original, alias, or pluries, may issue against the body of a defendant not  
5 exempt from arrest in an action which shall have been brought upon a penal statute, or in an  
6 action sounding in tort in which the title to real estate was not in dispute, or against bail in  
7 criminal cases, or whenever the defendant shall have been arrested and held to bail upon a writ of  
8 arrest or writ of mesne process therein, or whenever it shall be made to appear to the court which  
9 rendered the judgment in the action, or to any justice thereof, that the defendant is about to leave  
10 the state without leaving therein sufficient real or personal estate to satisfy the judgment, or that  
11 the defendant has been guilty of fraud in fact involving moral turpitude or intentional wrong  
12 either in contracting the debt for the recovery of which the judgment was rendered or in the  
13 concealment, detention or disposition of his or her property; ~~provided, however, that no~~  
14 ~~execution, original, alias or pluries, shall issue against the body of a defendant unless so ordered~~  
15 ~~by a justice of the superior court or a justice of a district court upon the written ex parte motion of~~  
16 ~~a party named in the action.~~

1 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 repeal the requirement that a body attachment be issued only upon a  
2 written ex parte motion made to a justice of the superior or district court, made by the party  
3 named in the action.

4           This act would take effect upon passage.

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