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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

JOINT RESOLUTION

TO APPROVE AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO
THE CONSTITUTION OF THE STATE -- RIGHT TO ADEQUATE EDUCATION

Introduced By: Representatives Messier, Kislak, Giraldo, Barros, Knight, Kazarian,
Solomon, McNamara, Fellela, and Fenton-Fung

Date Introduced: February 05, 2021

Referred To: House State Government & Elections

1 RESOLVED, That a majority of all members elected to each house of the general
2 assembly voting therefor, the following amendment to the Constitution of the state be proposed to
3 the qualified electors of the state in accordance with the provisions of Article XIV of the
4 Constitution for their approval and add additional sections to Article I which is hereby amended
5 to read as follows:

6 **Article I. DECLARATION OF CERTAIN CONSTITUTIONAL RIGHTS AND**
7 **PRINCIPLES.**

8 In order to effectually secure the religious and political freedom established by our
9 venerated ancestors, and to preserve the same for our posterity, we do declare that the essential
10 and unquestionable rights and principles hereinafter mentioned shall be established, maintained,
11 and preserved, and shall be of paramount obligation in all legislative, judicial and executive
12 proceedings.

13 **Section 1. Right to make and alter Constitution - Constitution obligatory upon all**

14 In the words of the Father of his Country, we declare that "the basis of our political
15 systems is the right of the people to make and alter their constitutions of government; but that the
16 constitution which at any time exists, till changed by an explicit and authentic act of the whole
17 people, is sacredly obligatory upon all."

18 **Section 2. Laws for good of whole - Burdens to be equally distributed - Due process -**
19 **Equal protection - Discrimination - No right to abortion granted**

1 All free governments are instituted for the protection, safety, and happiness of the people.
2 All laws, therefore, should be made for the good of the whole; and the burdens of the state ought
3 to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property
4 without due process of law, nor shall any person be denied equal protection of the laws. No
5 otherwise qualified person shall, solely by reason of race, gender or handicap be subject to
6 discrimination by the state, its agents or any person or entity doing business with the state.
7 Nothing in this section shall be construed to grant or secure any right relating to abortion or the
8 funding thereof.

9 **Section 3. Freedom of religion**

10 Whereas Almighty God hath created the mind free; and all attempts to influence it by
11 temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy
12 and meanness; and whereas a principal object of our venerable ancestors, in their migration to this
13 country and their settlement of this state, was, as they expressed it, to hold forth a lively
14 experiment that a flourishing civil state may stand and be best maintained with full liberty in
15 religious concerns; we, therefore, declare that no person shall be compelled to frequent or to
16 support any religious worship, place, or ministry whatever, except in fulfillment of such person's
17 voluntary contract; nor enforced, restrained, molested, or burdened in body or goods; nor
18 disqualified from holding any office; nor otherwise suffer on account of such person's religious
19 belief; and that every person shall be free to worship God according to the dictates of such
20 person's conscience, and to profess and by argument to maintain such person's opinion in matters
21 of religion; and that the same shall in no wise diminish, enlarge, or affect the civil capacity of any
22 person.

23 **Section 4. Slavery prohibited**

24 Slavery shall not be permitted in this state.

25 **Section 5. Entitlement to remedies for injuries and wrongs - Right to justice**

26 Every person within this state ought to find a certain remedy, by having recourse to the
27 laws, for all injuries or wrongs which may be received in one's person, property, or character.
28 Every person ought to obtain right and justice freely, and without purchase, completely and
29 without denial; promptly and without delay; conformably to the laws.

30 **Section 6. Search and seizure**

31 The right of the people to be secure in their persons, papers and possessions, against
32 unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on
33 complaint in writing, upon probable cause, supported by oath or affirmation, and describing as
34 nearly as may be, the place to be searched and the persons or things to be seized.

1 **Section 7. Requirement of presentment or indictment - Information by attorney-**
2 **general - Grand juries - Double jeopardy**

3 Except in cases of impeachment, or in cases arising in the land or naval forces, or in the
4 militia when in actual service in time of war or public danger, no person shall be held to answer
5 for any offense which is punishable by death or by imprisonment for life unless on presentment or
6 indictment by a grand jury, and no person shall be held to answer for any other felony unless on
7 presentment or indictment by a grand jury or on information in writing signed by the attorney-
8 general or one of the attorney-general's designated assistants, as the general assembly may
9 provide and in accordance with procedures enacted by the general assembly. The general
10 assembly may authorize the impaneling of grand juries with authority to indict for offenses
11 committed any place within the state and it may provide that more than one grand jury may sit
12 simultaneously within a county. No person shall be subject for the same offense to be twice put in
13 jeopardy. Nothing contained in this article shall be construed as in any wise impairing the
14 inherent common law powers of the grand jury.

15 **Section 8. Bail, fines and punishments**

16 Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments
17 inflicted; and all punishments ought to be proportioned to the offense.

18 **Section 9. Right to bail - Habeas corpus**

19 All persons imprisoned ought to be bailed by sufficient surety, unless for offenses
20 punishable by imprisonment for life, or for offenses involving the use or threat of use of a
21 dangerous weapon by one already convicted of such an offense or already convicted of an offense
22 punishable by imprisonment for life, or for an offense involving the unlawful sale, distribution,
23 manufacturer, delivery, or possession with intent to manufacture, sell, distribute or deliver any
24 controlled substance or by possession or by a controlled substance punishable by imprisonment
25 for ten (10) years or more, when the proof of guilt is evident or the presumption great. Nothing in
26 this section shall be construed to confer a right to bail, pending appeal of a conviction. The
27 privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or
28 invasion, the public safety shall require it; nor ever without the authority of the general assembly.

29 **Section 10. Rights of accused persons in criminal proceedings**

30 In all criminal prosecutions, accused persons shall enjoy the right to a speedy and public
31 trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be
32 confronted with the witnesses against them, to have compulsory process for obtaining them in
33 their favor, to have the assistance of counsel in their defense, and shall be at liberty to speak for
34 themselves; nor shall they be deprived of life, liberty, or property, unless by the judgment of their

1 peers, or the law of the land.

2 **Section 11. Relief of debtors from prison**

3 The person of a debtor, when there is not strong presumption of fraud, ought not to be
4 continued in prison, after such person shall have delivered up property for the benefit of said
5 person's creditors, in such manner as shall be prescribed by law.

6 **Section 12. Ex post facto laws - Laws impairing obligation of contract**

7 No ex post facto law, or law impairing the obligation of contracts, shall be passed.

8 **Section 13. Self-crimination**

9 No person in a court of common law shall be compelled to give self-criminating
10 evidence.

11 **Section 14. Presumption of innocence - Securing accused persons**

12 Every person being presumed innocent, until pronounced guilty by the law, no act of
13 severity which is not necessary to secure an accused person shall be permitted.

14 **Section 15. Trial by jury.**

15 The right of trial by jury shall remain inviolate. In civil cases the general assembly may
16 fix the size of the petit jury at less than twelve but not less than six.

17 **Section 16. Compensation for taking of private property for public use - Regulation
18 of fishery rights and shore privileges not public taking**

19 Private property shall not be taken for public uses, without just compensation. The
20 powers of the state and of its municipalities to regulate and control the use of land and waters in
21 the furtherance of the preservation, regeneration, and restoration of the natural environment, and
22 in furtherance of the protection of the rights of the people to enjoy and freely exercise the rights
23 of fishery and the privileges of the shore, as those rights and duties are set forth in section 17,
24 shall be an exercise of the police powers of the state, shall be liberally construed, and shall not be
25 deemed to be a public use of private property.

26 **Section 17. Fishery rights - Shore privileges - Preservation of natural resources**

27 The people shall continue to enjoy and freely exercise all the rights of fishery, and the
28 privileges of the shore, to which they have been heretofore entitled under the charter and usages
29 of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving
30 the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to
31 the use and enjoyment of the natural resources of the state with due regard for the preservation of
32 their values; and it shall be the duty of the general assembly to provide for the conservation of the
33 air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all
34 means necessary and proper by law to protect the natural environment of the people of the state

1 by providing adequate resource planning for the control and regulation of the use of the natural
2 resources of the state and for the preservation, regeneration and restoration of the natural
3 environment of the state.

4 **Section 18. Subordination of military to civil authority - Martial law**

5 The military shall be held in strict subordination to the civil authority. And the law
6 martial shall be used and exercised in such cases only as occasion shall necessarily require.

7 **Section 19. Quartering of soldiers**

8 No soldier shall be quartered in any house in time of peace, without the consent of the
9 owner; nor, in time of war, but in manner to be prescribed by law.

10 **Section 20. Freedom of press**

11 The liberty of the press being essential to the security of freedom in a state, any person
12 may publish sentiments on any subject, being responsible for the abuse of that liberty; and in all
13 trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall
14 be sufficient defense to the person charged.

15 **Section 21. Right to assembly - Redress of grievances - Freedom of speech**

16 The citizens have a right in a peaceable manner to assembly for their common good, and
17 to apply to those invested with the powers of government, for redress of grievances, or for other
18 purposes, by petition, address, or remonstrance. No law abridging the freedom of speech shall be
19 enacted.

20 **Section 22. Right to bear arms**

21 The right of the people to keep and bear arms shall not be infringed.

22 **Section 23. Rights of victims of crime**

23 A victim of crime shall, as a matter of right, be treated by agents of the state with dignity,
24 respect and sensitivity during all phases of the criminal justice process. Such person shall be
25 entitled to receive, from the perpetrator of the crime, financial compensation for any injury or loss
26 caused by the perpetrator of the crime, and shall receive such other compensation as the state may
27 provide. Before sentencing, a victim shall have the right to address the court regarding the impact
28 which the perpetrator's conduct has had upon the victim.

29 **Section 24. Right to an adequate education.**

30 Public education is a fundamental right of all Rhode Island residents. It shall, therefore,
31 be the paramount duty of the general assembly, the department of elementary and secondary
32 education, and other government agencies and officials who are charged with educational
33 responsibilities to provide all Rhode Island residents with equal opportunities to receive an
34 education that is adequate and meaningful to permit them to achieve at high levels and to become

1 lifelong learners, productive workers, and responsible citizens.

2 **Section 25. Judicial enforcement.**

3 The aforesaid sections shall be judicially enforceable. Any person or entity injured or
4 threatened with any injury because of any non-compliance with any one or more of their
5 provisions shall be entitled to bring an action in superior court to enforce these rights and
6 provisions and to obtain declaratory and injunctive relief for any violation thereof.

7 **Section ~~24.~~ 26. Rights not enumerated - State rights not dependent on federal rights.**

8 The enumeration of the foregoing rights shall not be construed to impair or deny others
9 retained by the people. The rights guaranteed by this Constitution are not dependent on those
10 guaranteed by the Constitution of the United States.

11 RESOLVED, That this amendment shall add to the Constitution of the state two sections
12 to Article I, effective January 1, 2022,

13 RESOLVED, That the said proposition of amendment shall be submitted to the electors
14 for their approval or rejection at the next statewide general election. The voting places in the
15 several cities and towns shall be kept open during the hours required by law for voting therein for
16 general officers of the state; and be it further

17 RESOLVED, That the secretary of state shall cause the said proposition of amendment to
18 be published as a part of this resolution in the newspapers of the state prior to the date of the said
19 meetings of the said electors; and said proposition shall be inserted in the warrants or notices to
20 be issued previous to said meetings of the electors for the purpose of warning the town, ward, or
21 district meetings, and said proposition shall be read by the town, city, ward, or district meetings to
22 be held as aforesaid; and be it further

23 RESOLVED, That the town, city, ward, and district meetings to be held aforesaid shall
24 be warned, and the list of voters shall be canvassed and made up, and the said town, ward, and
25 district meetings shall be conducted in the same manner as now provided by law for the town,
26 city, ward, and district meetings for the election of general officers of the state.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

J O I N T R E S O L U T I O N

TO APPROVE AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO
THE CONSTITUTION OF THE STATE -- RIGHT TO ADEQUATE EDUCATION

- 1 This joint resolution would add two sections to the Rhode Island Constitution. One would
- 2 guarantee Rhode Island residents an adequate education to permit them to learn at high levels,
- 3 become lifelong learners, productive workers and responsible citizens and the other would make
- 4 the rights guaranteed under the constitution judicially enforceable.

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