

2012 -- H 7598

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO DOMESTIC RELATIONS -- DOMESTIC ABUSE PREVENTION

Introduced By: Representative Arthur J. Corvese

Date Introduced: February 16, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-15-5 of the General Laws in Chapter 15-15 entitled "Domestic  
2 Abuse Prevention" is hereby amended to read as follows:

3 **15-15-5. Duties of police officers.** – (a) Upon arrival on the scene of a domestic dispute  
4 or altercation, an officer shall instruct all parties that his/her role does not include dispute  
5 mediation or resolution.

6 (b) That officer shall subsequently interact with the parties solely in the context of  
7 preventing an escalation to, or recurrence of, abusive behavior. Such interaction may include  
8 interviewing the parties separately from each other or encouraging any de-escalating activity  
9 which does not infringe on the rights of any involved party.

10 ~~(c)~~(c) Whenever any police officer has reason to believe that a family member or parent  
11 has been abused, that officer shall use all reasonable means to prevent further abuse, including:

12 (1) Remaining on the scene as long as there is a danger to the physical safety of the  
13 person or until the person is able to leave the dwelling unit;

14 (2) Assisting the person in obtaining medical treatment necessitated by an assault,  
15 including obtaining transportation to an emergency medical treatment facility;

16 (3) Giving the person immediate and adequate notice of his or her rights under this  
17 chapter;

18 (4) Arresting the abusive person pursuant to the arrest provisions in section 12-29-3; and

19 (5) Reporting any physical injury to a minor child or a threat to physically injure a minor

1 child within twenty-four (24) hours of his or her investigation to CANTS (Child abuse and  
2 neglect tracking system).

3 ~~(b)~~(d) Notice by the police officer to the victim shall be by handing the victim a copy of  
4 the following statement written in English, Portuguese, Spanish, Cambodian, Hmong, Laotian,  
5 Vietnamese, and French, and by reading the statement to the person when possible:

6 SPOUSE, FORMER SPOUSE, BLOOD RELATIVE, CHILDREN IN COMMON,  
7 MINORS IN SUBSTANTIVE DATING OR ENGAGEMENT RELATIONSHIP.

8 "If your attacker is your spouse, former spouse, or person to whom you are related by  
9 blood or marriage, or if you are not married to your attacker but have a child in common, or if  
10 you and/or your attacker is a minor who have been in a substantive dating or engagement  
11 relationship within the past six (6) months, you have the right to go to the family court and  
12 request:

13 "(1) An order restraining your attacker from abusing you or your minor child;

14 "(2) An order awarding you exclusive use of your marital domicile;

15 "(3) An order awarding you custody of your minor child."

16 UNMARRIED/NOT RELATED COHABITANTS WITHIN THE PAST THREE  
17 YEARS, OR HAVE BEEN IN A SUBSTANTIVE DATING OR ENGAGEMENT  
18 RELATIONSHIP WITHIN THE PAST SIX (6) MONTHS

19 "If you are not married or related to your attacker, but have resided with him or her  
20 within the past three (3) years, or you are in or have been in a substantive dating or engagement  
21 relationship with your attacker within the past six (6) months, you have the right to go to the  
22 district court and request:

23 "(1) An order restraining your attacker from abusing you;

24 "(2) An order directing your attacker to leave your household, unless he or she has the  
25 sole legal interest in the household."

26 ADDITIONAL RIGHTS.

27 "If you are in need of medical treatment, you have the right to have the officer present  
28 obtain transportation to an emergency medical treatment facility.

29 "If you believe that police protection is needed for your physical safety, you have the  
30 right to have the officer present remain at the scene until you and your children can leave or until  
31 your safety is otherwise ensured.

32 "You have the right to file a criminal complaint with the responding officer or your local  
33 police department if the officer has not arrested the perpetrator."

34 ~~(e)~~(e) A police officer shall ensure enforcement of the terms of a protective order issued

1 pursuant to this chapter including, but not limited to, accompanying a family member or parent to  
2 his or her dwelling or residence in order to secure possession of the dwelling or residence.

3 ~~(d)~~(f) When service of the temporary order issued pursuant to section 15-15-4 has not  
4 been made and/or after a permanent order is entered, a police officer shall give notice of the order  
5 to the defendant by handing him or her a certified copy of the order. The officer shall indicate that  
6 he or she has given notice by writing on plaintiff's copy of the order and the police department's  
7 copy of the order, the date and time of giving notice and the officer's name and badge number.  
8 The officer shall indicate on the offense report that actual notice was given.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
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- 1           This act would provide that an officer's role on the scene of a domestic dispute does not
- 2 include dispute mediation or resolution and that an officer's interaction with the parties would be
- 3 to prevent escalation of the situation and interview the parties separately.
- 4           This act would take effect upon passage.

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