

2012 -- S 2488

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LC01498
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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 STATE AFFAIRS AND GOVERNMENT - STATE POLICE

Introduced By: Senators Perry, Miller, Nesselbush, DeVall, and Crowley

Date Introduced: February 16, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-28-46 of the General Laws in Chapter 42-28 entitled "State
2 Police" is hereby amended to read as follows:

3 **42-28-46. Development of system monitoring crimes motivated by bigotry and bias. -**

4 § (a) For the purposes of this section, the following words shall have the following meanings:

5 (1) "Police department" -- means all state, municipal and campus police departments
6 within the state of Rhode Island;

7 (2) "Hate crime" -- means any crime motivated by bigotry and bias, including, but not
8 limited to threatened, attempted, or completed acts that appear after investigation to have been
9 motivated by racial, religious, ethnic, sexual orientation, gender, gender identity or expression or
10 disability prejudice or motivated by prejudice against a person who is homeless or is perceived to
11 be homeless. For the purposes of this chapter, the definitions of disability, sexual orientation and
12 gender identity or expression shall be defined as set forth in Rhode Island general laws section
13 11-24-2.1;

14 (3) "Hate crime data" -- means information, incident reports, records and statistics
15 relating to hate crimes, collected by the state police unit pursuant to this section;

16 (4) "Incident report" -- means account of any individual occurrence of hate crime
17 received or collected by the crime reporting unit pursuant to this section.

18 (b) The state police shall, by January 1, 1994, develop a system monitoring the
19 occurrence of crimes committed in the state which the evidence of the offense demonstrates was

1 motivated by racial, religious, ethnic bigotry, or bias on any other matter defined as a "hate
2 crime" herein. All police departments within the state shall report monthly the occurrence of such
3 crimes to the state police. The state police shall maintain a permanent record of these offenses
4 categorized by community of occurrence, type of offense, target of offense, and such other
5 information as the department deems relevant. The department shall develop a plan for the
6 collection, analysis, and dissemination of the data regarding such crimes and shall promulgate
7 regulations relating to the collection of hate crime data, as defined in this section, which are
8 submitted by law enforcement agencies, individuals, state and local human rights commissions,
9 and anti-discrimination advocacy organizations.

10 (c) The state police shall compile and distribute to each police department a listing of all
11 criminal offenses and penalties for those actions defined as "hate crimes" herein. Notice of the
12 provision of these sections shall be primarily posted at each police station.

13 (d) This section shall not be construed to increase or enhance the penalties against the
14 perpetrators of hate crimes as defined in this section, unless provided for by any other section of
15 law.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE

- 1 This act would make the definitions of disability, sexual orientation, gender identity and
- 2 expression the same as set forth in Rhode Island general laws section 11-24-2.1.
- 3 This act would take effect upon passage.

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