

**2012 -- S 2660 SUBSTITUTE A**

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LC00212/SUB A  
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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 - DEPARTMENT OF ATTORNEY  
GENERAL

Introduced By: Senator Michael J. McCaffrey

Date Introduced: March 01, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 42-9-8.1 of the General Laws in Chapter 42-9 entitled "Department  
2 of Attorney General" is hereby amended to read as follows:

3           **42-9-8.1 Office of investigation – Powers and duties of investigators.** – (1)  
4 Establishment. There is hereby established within the department of attorney general an office of  
5 investigation.

6           (2) Scope and purpose. The scope and purpose of the office of investigation shall be:

7           (a) To assist special assistant and assistant attorneys general in carrying out investigations  
8 relating to grand jury investigations, pre-trial preparation and other litigation efforts;

9           (b) To coordinate their efforts in investigating criminal activity with existing federal,  
10 state and local law enforcement resources; and

11           (c) To initiate criminal investigations for violations of the law at the direction of the  
12 attorney general.

13           (3) Composition and powers. The office of investigation shall consist of a chief, ~~and not~~  
14 ~~more than five (5)~~ field investigators, all of whom shall be designated by the attorney general, and  
15 support personnel. The chief and the field investigators shall have the following powers:

16           (a) The power to arrest independently or in conjunction with local, state or federal law  
17 enforcement agencies;

18           (b) The power to, with the written authorization by the attorney general or his or her

1 designated deputy, apply for and execute search warrants; and

2 (4) Qualifications. No person shall be appointed as chief of the office of investigation or  
3 as a field investigator in the office unless he or she has successfully completed the basic course of  
4 instruction for police officers at the Providence police training academy, the Rhode Island  
5 municipal police training academy, or the Rhode Island state police training academy, and has at  
6 least three (3) years of active law enforcement experience, or has served as a member of the  
7 United States Marshal's Service or as a special agent of the Federal Bureau of Investigation, a  
8 criminal law enforcement agency of the United States Department of Justice, the United States  
9 Department of State, the United States Department of the Treasury or the United States Postal  
10 Inspection Service and has at least three (3) years of active law enforcement experience, or has  
11 been certified as a police officer by the duly-constituted state commission on police officer  
12 standards and training of another state, and has at least three (3) years of active law enforcement  
13 experience.

14 (5) Appointment background check. The attorney general shall appoint the chief, field  
15 investigators, and the support personnel of the office of investigation. Prior to the appointment of  
16 any individuals, a background examination shall be conducted utilizing federal, state and local  
17 law enforcement agencies, bureau of criminal identification, national crime information center,  
18 and any and all relevant records existing within the federal and state court systems.

19 (6) Standards. The office shall adopt and implement such standards as may be applicable  
20 to its scope and purpose as promulgated by the commission for the accreditation of law  
21 enforcement agencies.

22 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 - DEPARTMENT OF ATTORNEY  
GENERAL

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1           This act would eliminate the statutory limit on the number of investigators within the  
2 department of attorney general.

3           This act would take effect upon passage.

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