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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 -- SHERIFFS

Introduced By: Senator Michael J. McCaffrey

Date Introduced: April 12, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 42-29-1, 42-29-5, 42-29-11, 42-29-12, 42-29-14, 42-29-18, 42-29-  
2   19, 42-29-22, 42-29-24, 42-29-25 and 42-29-26 of the General Laws in Chapter 42-29 entitled  
3   "Sheriffs" are hereby amended to read as follows:  
4           **42-29-1. Appointment -- Powers and duties -- Removal. --** (a) ~~The director of the~~  
5   ~~department of public safety shall appoint, with the consent of the governor, an executive high~~  
6   ~~sheriff to a ten (10) year term.~~ The director of the department of public safety shall ~~also~~ appoint ~~to~~  
7   ~~each of the counties with the consent of the governor the sheriffs and the chief deputy sheriffs to~~  
8   ~~ten (10) year terms. The director of the department of public safety shall also appoint to each of~~  
9   ~~the counties with the consent of the governor the sheriffs and the chief deputy sheriffs to ten (10)~~  
10   ~~year terms. The director of the department of public safety shall appoint~~ deputy sheriffs and other  
11   necessary classifications pursuant to rank structure, subject to the appropriations process.  
12   ~~Sheriffs, chief deputy sheriffs, deputy~~ Deputy sheriffs, and other employees of the sheriff's  
13   division shall be subject to the supervision of the commanding officer appointed by the director  
14   of the department of public safety ~~executive high sheriff~~ who may assign tasks and functions in  
15   order to ensure the proper management of the sheriffs' division. Any deputy sheriff hired after  
16   July 1, 2001 must successfully complete the sheriff academy and any courses deemed necessary  
17   at the municipal police training academy prior to assuming the duties of a deputy sheriff.  
18   Furthermore, the ~~executive high sheriff~~ director of the department of public safety in conjunction  
19   with the personnel administrator shall be responsible for promulgating written class specifications

1 with necessary minimum qualifications defined in them. ~~The sheriffs of the several counties who~~  
2 ~~are in office as of February 1, 2001 shall continue to hold office until their present term expires.~~  
3 Deputy sheriffs ~~Sheriffs and deputies~~ can be removed for just cause by their appointing authority.

4 (b) ~~The executive high sheriff, the sheriffs, the chief deputy sheriffs, and the All~~ deputy  
5 sheriffs shall perform all the duties required and exercise all the powers prescribed in this chapter;  
6 chapter 15 of title 5; chapters 5 and 10 of title 9; chapters 5, 10 and 14 of title 10; chapters 8, 31,  
7 34, 36 and 44 of title 11; chapters 4, 5 and 6 of title 12; chapter 22 of title 17; chapters 4 and 6 of  
8 title 22; chapter 2 of title 28; chapter 6 of title 35; chapter 8 of title 37; and all other provisions of  
9 the general laws and public laws insofar as those powers and duties relate to the deputy sheriffs ~~of~~  
10 ~~the several counties~~ and as required and prescribed in all other provisions of the general laws and  
11 public laws relating to the powers and duties of the sheriffs ~~of the several counties~~.

12 (c) All resources of the sheriffs shall be transferred to the division of sheriffs within the  
13 department of public safety. These resources include, but are not limited to, all positions,  
14 property, accounts and other funding pertinent to sheriffs.

15 **42-29-5. Record of appointment of deputies.** -- The appointment of every deputy shall  
16 be in writing under the hand and seal of the ~~sheriff, and shall be lodged to be recorded in a book~~  
17 ~~to be kept for that purpose in the office of the clerk of the superior court for the county for which~~  
18 ~~he or she is appointed, before he or she shall enter on the duties of his or her office~~ director of the  
19 department of public safety.

20 **42-29-11. Bond of deputies.** -- Every deputy shall give bond with sufficient surety or  
21 sureties to the ~~sheriff appointing him or her~~ director of the department of public safety, in a sum  
22 satisfactory to the ~~sheriff~~ director, not less than five thousand dollars (\$5,000), for the faithful  
23 execution of his or her office according to law.

24 **42-29-12. Action on sheriff's bond.** -- Any person injured by the breach of the bond of  
25 any deputy sheriff may, after recovering judgment against the deputy sheriff, his or her executors,  
26 or administrators, in an action brought for the default, misfeasance, or nonfeasance of such  
27 deputy sheriff ~~or his or her deputy~~, cause a suit to be instituted upon the bond, as set out in section  
28 42-29-11, at his or her own cost, in the name of the general treasurer, to his or her own use.

29 **42-29-14. Copies of bonds as evidence.** -- The general treasurer shall deliver an attested  
30 copy of the bond of any deputy sheriff; to the director of the department of public safety ~~every~~  
31 ~~sheriff~~ and ~~shall~~ deliver a copy of the bond of any deputy sheriff, filed in his or her office, to any  
32 person applying and paying the sum of one dollar (\$1.00) for the same, and the copy shall be  
33 received as evidence in any case, but if the execution of the bond shall be disputed, the court may  
34 order the original to be brought into court by a proper subpoena for that purpose, to be served on

1 the general treasurer or deputy sheriff.

2 **42-29-18. Power to investigate and prosecute offenses.** -- ~~The sheriff of any county~~  
3 ~~may, whenever any offense shall have been committed in his or her county,~~ Any member of the  
4 division of sheriffs may investigate the same and apprehend and bring to justice the person or  
5 persons committing such offense, and may make complaint in behalf of the state against such  
6 person or persons and may prosecute said complaint to final conviction.

7 **42-29-19. Attendance on general assembly and courts.** -- ~~(a)~~ The director of the  
8 department of public safety or his or her designees shall assign deputy sheriffs ~~shall~~ to attend the  
9 general assembly when in session. The ~~sheriff of Providence county~~ director of the department of  
10 public safety or his or her designee shall designate ~~as sheriffs~~ such number of deputy sheriffs to  
11 attend the session of the supreme court as the chief justice or presiding justice of the superior,  
12 district, family and workers' compensation courts may request and any such deputy sheriff shall  
13 be relieved of attendance at the request of the chief justice or the presiding justice of the  
14 applicable court. ~~The sheriffs of the several counties shall, by themselves or their deputies, attend~~  
15 ~~the session of the superior court held within their respective counties and shall designate as~~  
16 ~~sheriffs such number of deputy sheriffs to attend the session as the presiding justice of the~~  
17 ~~superior court may request. The sheriffs of the several counties shall, by themselves or their~~  
18 ~~deputies, attend the sessions of the district court as required by law.~~

19 ~~(b) The sheriffs of the several counties shall designate as sheriffs such number of deputy~~  
20 ~~sheriffs to attend such sessions of the family court held within their respective counties as the~~  
21 ~~chief judge of the family court may request.~~

22 **42-29-22. Execution of writs and precepts.** -- ~~The~~ A deputy sheriff ~~of every county, by~~  
23 ~~himself or herself or his or her deputy,~~ shall serve and execute all writs and as directed, ~~within his~~  
24 ~~or her county or~~ wherever he or she may be authorized by law, or by special order of the court  
25 issuing the writ or precept.

26 **42-29-24. Service of process on waters.** -- Any deputy sheriff ~~or other officer~~ duly  
27 authorized may serve any writ or other process, whether of a civil or criminal nature, within any  
28 part of the waters of Narragansett Bay, and within any waters not more than one marine league  
29 from the seashore of the state at high-water mark.

30 **42-29-25. Assistance in execution of office.** -- Every ~~sheriff or~~ deputy sheriff, in the due  
31 execution of his or her office, may command all necessary aid and assistance in the execution  
32 thereof; and every person who, whenever so required, shall refuse or neglect to give aid and  
33 assistance shall be fined not exceeding twenty dollars (\$20.00).

34 **42-29-26. Failure to serve process.** -- Every ~~sheriff or~~ deputy sheriff who shall neglect

1 or refuse to serve any process issuing from lawful authority, directed to him or her to serve and  
2 execute (having in all civil causes, paid or tendered unto him or her his or her legal fees, if he or  
3 she demand the same, for serving and executing such process), shall be liable to the party  
4 aggrieved for such damages as he or she may have sustained by such neglect or refusal.

5 SECTION 2. Sections 42-29-3, 42-29-6, 42-29-7, 42-29-8, 42-29-9, 42-29-13, 42-29-20,  
6 42-29-20.1, 42-29-21, 42-29-23, 42-29-27, 42-29-28, 42-29-29, 42-29-30 and 42-29-31 of the  
7 General Laws in Chapter 42-29 entitled "Sheriffs" are hereby repealed.

8 ~~**42-29-3. Bond.** --- Every person appointed sheriff shall, previous to entering on the duties  
9 of his or her office, give bond to the general treasurer in the sum of twenty five thousand dollars  
10 (\$25,000), in form approved by the attorney general, with some surety company authorized to do  
11 business in this state as surety, or with two (2) other sufficient sureties.~~

12 ~~**42-29-6. Special deputies to execute process.** --- Every sheriff may appoint a special  
13 deputy for the service of any writ or process to him or her directed, provided the appointment be  
14 written upon the back of the writ or process, and the deputy be sworn, before some person  
15 authorized to administer oaths, duly and faithfully to execute the writ and process, and a  
16 certificate of the engagement be indorsed thereon.~~

17 ~~**42-29-7. Compensation of process deputies in Providence county.** --- The sheriff of the  
18 county of Providence is hereby authorized and empowered to pay to such deputy sheriffs as may  
19 be engaged in the process department compensation at a rate not exceeding two dollars (\$2.00)  
20 per day in excess of the compensation paid to deputy sheriffs serving in any other capacity.~~

21 ~~**42-29-8. Responsibility for deputies --- Actions.** --- Every sheriff shall be responsible and  
22 accountable for any neglect or misfeasance in office of his or her deputies, and in all cases where  
23 any person shall be entitled to an action for any neglect or misfeasance in office of any deputy  
24 sheriff, he or she may bring the action either against the sheriff appointing him or her, or against  
25 the deputy, or he or she may join them both together as parties defendant to the action.~~

26 ~~**42-29-9. Revocation of deputations.** --- Any sheriff may revoke any deputation by him  
27 or her given, provided the revocation be entered in the book for recording deputations and  
28 appointments as aforesaid.~~

29 ~~**42-29-13. Action on deputy's bond.** --- Any person injured by the breach of the bond of  
30 any deputy sheriff may, after recovering judgment against the deputy sheriff, his or her executors  
31 or administrators, for the default, misfeasance, or nonfeasance of the deputy sheriff, cause a suit  
32 to be instituted upon the bond of the deputy at his or her own cost, in the name of the sheriff, to  
33 his or her own use.~~

34 ~~**42-29-20. Attendance on district court.** --- Upon the request of the chief judge of the~~

1 district court, the sheriff of the county in which the court is held, or one of his or her deputies,  
2 shall attend the sessions of the court.

3 ~~**42-29-20.1. Attendance at workers' compensation court.**~~ -- Upon the request of the  
4 chief judge of the workers' compensation court, the sheriff of the county in which the court is  
5 held, or one of his or her deputies, shall attend the sessions of the court.

6 ~~**42-29-21. Duties at Brown University and Providence College commencements.**~~ --  
7 The sheriff of the county of Providence, with as many of his or her deputies as he or she may  
8 deem necessary, shall attend the celebrations of the annual commencements of Brown University  
9 and Providence College, and shall preserve peace and good order and decorum during the same.

10 ~~**42-29-23. Mandates in writs and precepts.**~~ -- Every officer to whom any writ or precept  
11 lawfully issued shall be delivered shall execute the mandates therein contained as commanded,  
12 and shall make return of his or her action thereon. In case he or she is unable to execute the  
13 mandates, he or she shall set forth the reason for failure in his or her return.

14 ~~**42-29-27. Death of sheriff -- Continuation in office of deputies.**~~ -- In case of the death  
15 of any sheriff, his or her deputy or deputies shall continue in office, unless removed as herein  
16 provided, and shall execute the duties of the office, in the name of the deceased, until another  
17 sheriff shall be appointed and sworn, and shall have given bond as before prescribed, and the  
18 neglect or misfeasance of the deputies in the meantime, as well as before, shall be a breach of the  
19 condition of the bond given as before directed by the sheriff who appointed them.

20 ~~**42-29-28. Executors succeeding to rights of deceased sheriff.**~~ -- The executors or  
21 administrators of a deceased sheriff shall have the like remedy for the defaults and misfeasances  
22 in office of the deputy or deputies, during the interval, as the deceased sheriff would have been  
23 entitled to if he or she had continued in life and in the exercise of his or her office until his or her  
24 successor was appointed and duly qualified.

25 ~~**42-29-29. Continuation in office until qualification of successor.**~~ -- Every sheriff  
26 whose office shall become vacant by resignation or removal into any other county may,  
27 notwithstanding, officiate as such until his or her successor shall be duly qualified to act, and his  
28 or her deputies may also exercise their respective offices during that period.

29 ~~**42-29-30. Delivery of papers to successor in office.**~~ -- All books, notes, bonds,  
30 obligations, and other papers which sheriffs shall receive pursuant to this chapter shall be  
31 delivered by them over to their respective successors in office, as papers and documents  
32 pertaining thereto, and every sheriff unlawfully refusing to deliver the same on demand shall be  
33 fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

34 ~~**42-29-31. Credit for service of legal process.**~~ -- The sheriffs of the five (5) counties

~~1 shall extend to each Rhode Island attorney who is a member in good standing of the Rhode Island  
2 Bar Association, credit up to the sum of three hundred dollars (\$300) for the service of legal  
3 process; provided, however, that no further credit need be extended to any said attorney who fails  
4 to make payment within sixty (60) days of receipt of any bill for services rendered. The sheriffs  
5 of the five (5) counties shall accept funds from any attorney, who so desires, for the purpose of  
6 establishing an escrow account, which escrow funds shall be applied on account for future service  
7 of legal process.~~

8 SECTION 3. Section 42-7.3-3.2 of the General Laws in Chapter 42-7.3 entitled  
9 "Department of Public Safety" is hereby amended to read as follows:

10 **42-7.3-3.2. Division of sheriffs.** -- (a) Division established. - A division of sheriffs is  
11 hereby established within the department of public safety. This division shall be responsible for  
12 statewide activities assigned by law which relate to the duties and functions of the sheriffs of the  
13 several counties. The division also shall be responsible for all statewide activities assigned by law  
14 which relate to the duties and functions of state marshals. Among its other responsibilities, the  
15 division shall also be responsible for courtroom security and cellblocks in all state courthouses,  
16 training of personnel, transportation of individuals charged with crimes, and special operations.

17 (b) Powers and Duties.

18 (1) The division of sheriffs shall have the following powers and duties:

19 (i) To provide and maintain security for judges at all state courts;

20 (ii) To provide and maintain security in all courtrooms and other public areas within  
21 state courthouses;

22 (iii) To provide and maintain security in the cellblocks in all state courts, and exercise all  
23 powers as required and prescribed in all other provisions of the general laws and public laws  
24 relating to the powers and duties of sheriffs.

25 (2) The division of sheriffs shall also have the following powers and duties previously  
26 performed by the Rhode Island marshals:

27 (i) To be responsible for transportation statewide of prisoners to and from police  
28 departments, the adult correctional institutions, all courthouses, and other places of detention;

29 (ii) To transport persons arrested by state and local police departments to places of  
30 detention; provided, however, nothing in this subsection shall prevent state and local police  
31 departments from transporting those persons;

32 (iii) To supervise the conduct of and maintain order and discipline of the prisoners in  
33 their custody;

34 (iv) To be responsible for the custody and safety of prisoners while being transported to

1 and from court sessions, places of detention, and outside hospitals prior to commitment to the  
2 adult correctional institutions;

3 (v) To be responsible for the custody and security of prisoners detained in the cellblock  
4 areas in the Kent County courthouse and Providence County superior courthouse and for the  
5 security of these prisoners during the hearing of their cases, and while in outside hospitals prior to  
6 commitment to the adult correctional institutions;

7 (vi) To be responsible for the safety and welfare of prisoners in their custody;

8 (vii) To provide all security in connection with transportation in the execution of  
9 extraditions, including, but not limited to, warrants, IAD (Interstate Agreement on Detainers),  
10 arrest affidavits, interstate compact extradition, and criminal detainers; and

11 (viii) To carry firearms as prescribed.

12 (c) ~~Administration and organization.~~

13 ~~(1) The director of the department of public safety shall appoint, with the consent of the~~  
14 ~~governor, an executive high sheriff.~~

15 ~~(2)~~ The director of the department of public safety shall appoint deputy sheriffs [pursuant](#)  
16 [to a rank structure determined by the director of the department of public safety](#) and other  
17 necessary classifications, subject to the appropriation process, to provide assistance in the areas of  
18 courthouse and cellblock security, transportation of prisoners, staff training and special  
19 operations. All employees in the division of sheriffs shall be in the unclassified service [pursuant](#)  
20 [to subdivision 36-4-2\(13\)](#).

21 SECTION 4. Section 36-4-2 of the General Laws in Chapter 36-4 entitled "Merit  
22 System" is hereby amended to read as follows:

23 **36-4-2. Positions in unclassified service.** -- The classified service shall comprise all  
24 positions in the state service now existing or hereinafter established, except the following specific  
25 positions which with other positions heretofore or hereinafter specifically exempted by legislative  
26 act shall constitute the unclassified service:

27 (1) Officers and legislators elected by popular vote and persons appointed to fill  
28 vacancies in elective offices.

29 (2) Employees of both houses of the general assembly.

30 (3) Officers, secretaries, and employees of the office of the governor, office of the  
31 lieutenant governor, department of state, department of the attorney general, and the treasury  
32 department.

33 (4) Members of boards and commissions appointed by the governor, members of the  
34 state board of elections and the appointees of the board, members of the commission for human

1 rights and the employees of the commission, and directors of departments.

2 (5) The following specific offices:

3 (i) In the department of administration: director, chief information officer;

4 (ii) In the department of business regulation: director;

5 (iii) In the department of elementary and secondary education: commissioner of  
6 elementary and secondary education;

7 (iv) In the department of higher education: commissioner of higher education;

8 (v) In the department of health: director;

9 (vi) In the department of labor and training: director, administrative assistant,  
10 administrator of the labor board and legal counsel to the labor board;

11 (vii) In the department of environmental management: director;

12 (viii) In the department of transportation: director;

13 (ix) In the department of human services: director and director of veterans' affairs;

14 (x) In the state properties committee: secretary;

15 (xi) In the workers' compensation court: judges, administrator, deputy administrator,  
16 clerk, assistant clerk, clerk secretary;

17 (xii) In the division of elderly affairs: director;

18 (xiii) In the department of behavioral healthcare, developmental disabilities and  
19 hospitals: director;

20 (xiv) In the department of corrections: director, assistant director  
21 (institutions/operations), assistant director (rehabilitative services), assistant director  
22 (administration), and wardens;

23 (xv) In the department of children, youth and families: director, one assistant director,  
24 one associate director, and one executive director;

25 (xvi) In the public utilities commission: public utilities administrator;

26 (xvii) In the water resources board: general manager;

27 (xviii) In the human resources investment council: executive director.

28 (xix) In the office of health and human services: secretary of health and human services.

29 (6) Chief of the hoisting engineers, licensing division, and his or her employees;  
30 executive director of the veterans memorial building and his or her clerical employees.

31 (7) One confidential stenographic secretary for each director of a department and each  
32 board and commission appointed by the governor.

33 (8) Special counsel, special prosecutors, regular and special assistants appointed by the  
34 attorney general, the public defender and employees of his or her office, and members of the



1 Rhode Island bar occupying a position in the state service as legal counsel to any appointing  
2 authority.

3 (9) The academic and/or commercial teaching staffs of all state institution schools, with  
4 the exception of those institutions under the jurisdiction of the board of regents for elementary  
5 and secondary education and the board of governors for higher education.

6 (10) Members of the military or naval forces, when entering or while engaged in the  
7 military or naval service.

8 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the  
9 supreme, superior, family, and district courts, the traffic tribunal, security officers of the traffic  
10 tribunal, jurors and any persons appointed by any court.

11 (12) Election officials and employees.

12 (13) ~~Executive high sheriff, chief deputy sheriff, sheriffs, deputy~~ Deputy sheriffs, and  
13 other employees of the sheriffs' division within the department of public safety.

14 (14) Patient or inmate help in state charitable, penal, and correctional institutions and  
15 religious instructors of these institutions and student nurses in training, residents in psychiatry in  
16 training, and clinical clerks in temporary training at the institute of mental health within the state  
17 of Rhode Island medical center.

18 (15) (i) Persons employed to make or conduct a temporary and special inquiry,  
19 investigation, project or examination on behalf of the legislature or a committee therefor, or on  
20 behalf of any other agency of the state if the inclusion of these persons in the unclassified service  
21 is approved by the personnel administrator. The personnel administrator shall notify the house  
22 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person  
23 in the unclassified service.

24 (ii) The duration of the appointment of a person, other than the persons enumerated in  
25 this section, shall not exceed ninety (90) days or until presented to the department of  
26 administration. The department of administration may extend the appointment another ninety (90)  
27 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

28 (16) Members of the division of state police within the department of public safety.

29 (17) Executive secretary of the Blackstone Valley district commission.

30 (18) Artist and curator of state owned art objects.

31 (19) Mental health advocate.

32 (20) Child advocate.

33 (21) The position of aquaculture coordinator and marine infrastructure specialist within  
34 the coastal resources management council.

1 (22) Employees of the office of the health insurance commissioner.

2 (23) In the department of revenue: the director, secretary, attorney.

3 (24) In the department of public safety: the director.

4 SECTION 5. Sections 45-16-1, 45-16-4.3 and 45-16-14 of the General Laws in Chapter  
5 45-16 entitled "Sergeants and Constables" are hereby amended to read as follows:

6 **45-16-1. Refusal to serve as sergeant -- Maximum service required.** -- Whoever is  
7 legally chosen to the office of town sergeant, and refuses to serve in that office, shall pay a fine of  
8 seven dollars (\$7.00), to and for the use of the town, to be levied and collected, upon conviction,  
9 by warrant of distress issued by any justice of the peace of a town, the warrant to be directed to  
10 the division of sheriffs, ~~sheriff of the county or the sheriff's deputy~~; and no person is obliged to  
11 serve in the office more often than once in seven (7) years.

12 **45-16-4.3. Service of process by constables.** -- The chief justice of the supreme court,  
13 and the chief judge of the family and district courts, upon application being made by a constable  
14 authorized or licensed to serve civil process under this chapter, may authorize the constable to  
15 serve or execute any process or writs issued by or returnable to the court. Upon being so  
16 authorized or licensed, the constable shall have the power and authority to serve or execute all  
17 writs and process which may issue from the court in like manner and at fees authorized to ~~sheriffs~~  
18 ~~and~~ deputy sheriffs. Each constable shall at the time of licensing or authorization give additional  
19 bond with the clerk of the district court in the sum of five thousand dollars (\$5,000) for the  
20 faithful performance of the duties of the office. Any appointee serves at the pleasure of the  
21 appointing authority.

22 **45-16-14. Unauthorized services of process.** -- Any individual who serves, or attempts  
23 to serve, any writ or legal process for any court of this state, other than ~~sheriffs~~, deputy sheriffs,  
24 and those individuals so authorized for this service pursuant to this chapter, or other individuals  
25 authorized by law or by rule of court shall be fined not less than five hundred dollars (\$500) nor  
26 more than one thousand dollars (\$1,000), and/or imprisoned for a term of not less than six (6)  
27 months, nor more than one year in prison, for each violation; provided, that this section does not  
28 apply to any city or town constable nor to any power or authority granted to them by any general  
29 or special law.

30 SECTION 6. Sections 45-19-1 and 45-19-4.3 of the General Laws in Chapter 45-19  
31 entitled "Relief of Injured and Deceased Fire Fighters and Police Officers" are hereby amended to  
32 read as follows:

33 **45-19-1. Salary payment during line of duty illness or injury.** -- (a) Whenever any  
34 police officer of the Rhode Island Airport Corporation or whenever any police officer, fire

1 fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal of  
2 any city, town, fire district, or the state of Rhode Island is wholly or partially incapacitated by  
3 reason of injuries received or sickness contracted in the performance of his or her duties or due to  
4 their rendering of emergency assistance within the physical boundaries of the state of Rhode  
5 Island at any occurrence involving the protection or rescue of human life which necessitates that  
6 they respond in a professional capacity when they would normally be considered by their  
7 employer to be officially off-duty, the respective city, town, fire district, state of Rhode Island or  
8 Rhode Island Airport Corporation by which the police officer, fire fighter, crash rescue  
9 crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall,  
10 during the period of the incapacity, pay the police officer, fire fighter, crash rescue crewperson,  
11 fire marshal, chief deputy fire marshal, or deputy fire marshal, the salary or wage and benefits to  
12 which the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire  
13 marshal, or deputy fire marshal, would be entitled had he or she not been incapacitated, and shall  
14 pay the medical, surgical, dental, optical, or other attendance, or treatment, nurses, and hospital  
15 services, medicines, crutches, and apparatus for the necessary period, except that if any city,  
16 town, fire district, the state of Rhode Island or Rhode Island Airport Corporation provides the  
17 police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or  
18 deputy fire marshal, with insurance coverage for the related treatment, services, or equipment,  
19 then the city, town, fire district, the state of Rhode Island or Rhode Island Airport Corporation is  
20 only obligated to pay the difference between the maximum amount allowable under the insurance  
21 coverage and the actual cost of the treatment, service, or equipment. In addition, the cities, towns,  
22 fire districts, the state of Rhode Island or Rhode Island Airport Corporation shall pay all similar  
23 expenses incurred by a member who has been placed on a disability pension and suffers a  
24 recurrence of the injury or illness that dictated his or her disability retirement, subject to the  
25 provisions of subsection (j) herein.

26 (b) As used in this section, "police officer" means and includes any chief or other  
27 member of the police department of any city or town regularly employed at a fixed salary or wage  
28 and any ~~executive high sheriff, sheriff~~, deputy sheriff, member of the fugitive task force, or  
29 capitol police officer, permanent environmental police officer or criminal investigator of the  
30 department of environmental management, or airport police officer.

31 (c) As used in this section, "fire fighter" means and includes any chief or other member  
32 of the fire department or rescue personnel of any city, town, or fire district, and any person  
33 employed as a member of the fire department of the town of North Smithfield, or fire department  
34 or district in any city or town.

1 (d) As used in this section, "crash rescue crewperson" means and includes any chief or  
2 other member of the emergency crash rescue section, division of airports, or department of  
3 transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

4 (e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire  
5 marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals  
6 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title  
7 23.

8 (f) Any person employed by the state of Rhode Island, except for sworn employees of  
9 the Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title  
10 shall be subject to the provisions of chapters 29 -- 38 of title 28 for all case management  
11 procedures and dispute resolution for all benefits.

12 (g) In order to receive the benefits provided for under this section, a police officer or  
13 firefighter must prove to their employer that he or she had reasonable grounds to believe that  
14 there was an emergency which required an immediate need for their assistance for the protection  
15 or rescue of human life.

16 (h) Any claims to the benefits provided for under this section resulting from the  
17 rendering of emergency assistance in the state of Rhode Island at any occurrence involving the  
18 protection or rescue of human life while off-duty, shall first require those covered by this section  
19 to submit a sworn declaration to their employer attesting to the date, time, place and nature of the  
20 event involving the protection or rescue of human life causing the professional assistance to be  
21 rendered and the cause and nature of any injuries sustained in the protection or rescue of human  
22 life. Sworn declarations shall also be required from any available witness to the alleged  
23 emergency involving the protection or rescue of human life.

24 (i) All declarations required under this section shall contain the following language:

25 "Under penalty of perjury, I declare and affirm that I have examined this declaration,  
26 including any accompanying schedules and statements, and that all statements contained herein  
27 are true and correct."

28 (j) Any person receiving injured on-duty benefits pursuant to this section, and subject to  
29 the jurisdiction of the state retirement board for accidental retirement disability, for an injury  
30 occurring on or after July 1, 2011, shall be eligible to receive such benefits for a total period of  
31 eighteen (18) months after the date of the person's injury that resulted in said person's injured on  
32 duty status, except as provided for in subdivision 45-19-1(j)(2).

33 (1) Within eighteen (18) months of being injured, the person shall apply for an accidental  
34 disability retirement allowance from the state retirement board. A person who so applies shall

1 continue to receive injured on duty payments until the person's application for an accidental  
2 disability retirement allowance has been allowed or denied, and if denied initially, then upon the  
3 expiration of the appeal period from such decision to the workers' compensation court pursuant to  
4 section 45-21.2-9 of the general laws, or, if appealed, then upon a decision from the workers'  
5 compensation court denying said appeal, whichever is applicable.

6 (2) If a person with injured on duty status fails to apply for an accidental disability  
7 retirement allowance from the state retirement board within the eighteen (18) month period set  
8 forth in this subsection, that person's injured on duty payments shall terminate, unless said person  
9 provides to the applicable municipality a written opinion from a physician that states that it is the  
10 physician's opinion, to a reasonable degree of medical certainty, that the person will be able to  
11 return to work within six (6) months. In such event, the injured person may continue to receive  
12 injured on duty payments for a period, not to exceed six (6) months, after the initial eighteen (18)  
13 month period expires.

14 **45-19-4.3. One time death benefit -- Death benefits to family of deceased police**

15 **officers, correctional officers, and firefighters.** -- (a) If an active or retired police officer,  
16 capitol police officer, correctional officer, firefighter, crash rescue crew person, fire marshal, or  
17 deputy fire marshal of any city, town, fire district, or the state of Rhode Island or ~~state sheriff or~~  
18 ~~state~~ deputy sheriff or a correctional officer or member of a volunteer auxiliary fire force or  
19 volunteer crash rescue or ambulance corps is killed or dies from injuries received while in the  
20 performance of his or her duties, there shall be paid a killed-in-line-of-duty benefit to be  
21 administered by the board of police officer's and firefighter's relief. The benefit shall be in the  
22 sum of forty percent (40%) of the federal death benefits for law enforcement officers and  
23 firefighters killed in the line of duty. The benefit shall be paid as follows:

24 (1) If there is no surviving child of such officer, to the surviving spouse or domestic  
25 partner of such officer;

26 (2) If there is a surviving child or children and a surviving spouse or domestic partner,  
27 one-half (1/2) to the surviving child or children of such officer in equal shares and one-half (1/2)  
28 to the surviving spouse or domestic partner;

29 (3) If there is no surviving spouse or domestic partner, to the child or children of said  
30 officer in equal shares;

31 (4) If there is no surviving spouse, domestic partner, or surviving child, to the individual  
32 designated by such officer as beneficiary under such officer's most recently executed life  
33 insurance policy; provided, that such individual survived such officer; or

34 (5) If none of the above, to the parent or parents of such officer in equal shares.

1 (b) Domestic partners shall certify by affidavit to the board of police officer's and  
2 firefighter's relief that the: (1) partners are at least eighteen (18) years of age and mentally  
3 competent to contract; (2) partners are not married to anyone; (3) partners are not related by blood  
4 to a degree which would prohibit marriage in the state of Rhode Island; (4) partners reside  
5 together and have resided together for at least one year; (5) partners are financially interdependent  
6 as evidenced by at least two (2) of the following: (i) domestic partnership agreement or  
7 relationship contract; (ii) joint mortgage or joint ownership of primary residence; (iii) two (2) of:  
8 (A) joint ownership of motor vehicle; (B) joint checking account; (C) joint credit account; (D)  
9 joint lease; and/or (iv) the domestic partner has been designated as a beneficiary for the  
10 deceased's will, retirement contract or life insurance.

11 SECTION 7. Section 3-1-4 of the General Laws in Chapter 3-1 entitled "General  
12 Provisions" is hereby amended to read as follows:

13 **3-1-4. Sales on execution exempt from title.** -- Nothing in this title and chapter shall be  
14 construed as prohibiting ~~sheriffs~~, deputy sheriffs, constables and town sergeants from selling  
15 beverages, as defined in this title, under and by virtue of executions duly levied.

16 SECTION 8. Section 3-5-18 of the General Laws in Chapter 3-5 entitled "Licenses  
17 Generally" is hereby amended to read as follows:

18 **3-5-18. Signature on licenses -- Posting and exhibition.** -- (a) All retail licenses issued  
19 under chapter 7 of this title shall bear the signature written by hand of the clerk of the licensing  
20 board, body, or officials issuing them, and shall not be printed, stamped, typewritten, engraved,  
21 photographed or cut from one instrument and attached to another and shall be displayed by the  
22 licensee, on the premises and shall be exhibited on demand to any ~~sheriff or~~ deputy sheriff ~~of the~~  
23 ~~county~~, to any city or town sergeant, constable, officer or member of the city or town police or to  
24 any member of the department of state police or agent of the department.

25 (b) All retail licenses shall be displayed within the premises but need not be posted. The  
26 license shall be exhibited to any ~~sheriff or~~ deputy sheriff of the county, to any city or town  
27 sergeant, constable, officer or member of the city or town police or to any member of the  
28 department of state police or agent of the department who request proof that the establishment is  
29 duly licensed.

30 SECTION 9. Section 3-12-1 of the General Laws in Chapter 3-12 entitled "Enforcement  
31 of Title" is hereby amended to read as follows:

32 **~~3-12-1. Duty of sheriffs, constables, and police officers -- Action on taxpayer's~~**  
33 **~~demand~~ Duty of deputy sheriffs, constables, and police officers -- Action on taxpayer's**  
34 **~~demand.~~ -- ~~The sheriffs of the several counties and their deputies~~ [Members of the division of](#)**

1 [sheriffs](#), and the city and town sergeants, constables, officers, or members of the town or city  
2 police, and members of the division of state police, are empowered and it is made their duty to  
3 see that the provisions of this title and the rules and regulations made or authorized by the  
4 department of business regulation and the division of taxation are enforced within their counties,  
5 towns, and cities. It is their special duty to use their utmost efforts to repress and prevent crime by  
6 the suppression of unlicensed liquor shops, gambling places, and houses of ill fame, and they  
7 shall also do so on the request of any taxpayer of any town or city and may command aid in the  
8 execution of the authority conferred. Any officer within the above enumeration who willfully  
9 neglects or refuses to perform the duties imposed upon him or her by this section shall be fined  
10 not exceeding five hundred dollars (\$500) and be rendered ineligible again to be appointed to this  
11 position; provided, that the officer may after investigation, before taking any further action at the  
12 request of any taxpayer, demand that the taxpayer requesting him or her to act give a bond to  
13 secure to that officer reasonable compensation for his or her services and to protect him or her  
14 from all costs and damages that may arise from that action.

15 SECTION 10. Sections 4-1-12 and 4-1-20 of the General Laws in Chapter 4-1 entitled  
16 "Cruelty to Animals" are hereby amended to read as follows:

17 **4-1-12. Entry of premises where bird or animal fights are conducted -- Arrest --**  
18 **Seizure of birds or animals. --** Any [sheriff](#), deputy sheriff, town sergeant, constable, police  
19 officer or any officer authorized to serve criminal process may enter any place, building, or  
20 tenement anywhere within the state, where there is an exhibition of the fighting of birds or  
21 animals, or where preparations are being made for that exhibition, and without a warrant, arrest  
22 all persons present, and take possession of the birds or animals engaged in fighting, and all birds  
23 or animals found there and intended to be used or engaged in fighting. Those persons shall be  
24 kept in custody in jail or other convenient place not more than twenty-four (24) hours, Sundays  
25 and legal holidays excepted, at or before the expiration of which time those persons shall be  
26 brought before a district court or the superior court and proceeded against according to law.

27 **4-1-20. Duty of police officers -- Fines paid to society for prevention of cruelty to**  
28 **animals. --** Any [sheriff](#), deputy sheriff, constable or police officer shall prosecute all violations of  
29 this chapter which come to his or her knowledge and all fines and forfeitures resulting from the  
30 complaint of any officer or agent of the society for the prevention of cruelty to animals under this  
31 chapter, shall enure and be paid over to the society in aid of the benevolent objects for which it  
32 was incorporated.

33 SECTION 11. Section 4-4-13 of the General Laws in Chapter 4-4 entitled "Animal  
34 Diseases in General" is hereby amended to read as follows:

1           **4-4-13. Powers of federal and state inspectors -- Assistance by peace officers.** -- The  
2 inspectors of the state department of environmental management and the department of  
3 agriculture of the United States, in cooperation with the state department of environmental  
4 management, or with any agent of the state, has the right of inspection, quarantine, and  
5 condemnation of animals affected with any contagious, infectious, or communicable disease, or  
6 suspected to be affected, or that have been exposed to any contagious, infectious, or  
7 communicable disease, and for these purposes are authorized and empowered to enter upon any  
8 grounds or premises. The director of agriculture or inspectors of the United States department of  
9 agriculture, in cooperation with the state department of environmental management, or with any  
10 agent of the state department of environmental management have the power to call on [deputy](#)  
11 sheriffs, constables, and peace officers to assist them in the discharge of their duties in carrying  
12 out the provisions of the act of congress approved May 29, 1884, 21 U.S.C. section 113 et seq.,  
13 establishing the bureau of animal industry, or the provisions of the department of environmental  
14 management, and it is made the duty of [deputy](#) sheriffs, constables, and peace officers to assist  
15 those inspectors or agents when requested, and those inspectors or agents have the same power  
16 and protection as peace officers while engaged in the discharge of their duties.

17           SECTION 12. Section 5-11-12 of the General Laws in Chapter 5-11 entitled "Hawkers  
18 and Peddlers" is hereby amended to read as follows:

19           **5-11-12. Arrest of violators -- Detention of merchandise.** -- Any state police officer,  
20 any police officer of any city or town who has probable cause to believe a person has violated the  
21 provisions of this chapter, and any ~~sheriff~~, deputy sheriff, town sergeant, or constable within his  
22 or her precinct who has probable cause to believe a person has violated the provisions of this  
23 chapter, may arrest that person, and may also detain any goods, wares, or other merchandise  
24 which the arrested person has with him or her at the time of his or her arrest, for the purpose of  
25 hawking and peddling; and the arresting officer detaining the goods, wares, or merchandise shall  
26 be allowed a reasonable compensation for the safekeeping and care of the merchandise and  
27 property, to be taxed in the costs of prosecution and conviction for the offense.

28           SECTION 13. Section 5-15-13 of the General Laws in Chapter 5-15 entitled "Itinerant  
29 Vendors" is hereby amended to read as follows:

30           **5-15-13. Enforcement -- Failure to produce license as evidence -- Seizure.** -- (a) It is  
31 the duty of the officers in each town and city in this state to see that the provisions of this chapter  
32 are complied with and to prosecute for violations of those provisions. All of those officers shall  
33 have power to demand the production of the proper state and local licenses from any itinerant  
34 vendor advertising or actually engaged in business, and any failure to produce those licenses shall



1 be prima facie evidence against the vendor that he or she has none.

2 (b) Property held out for sale by any itinerant vendor in this state without a permit to  
3 make sales at retail issued by the division of taxation is subject to seizure, without a warrant, by  
4 the tax administrator, his or her agents or employees, or by any ~~sheriff~~, deputy sheriff, or police  
5 officer of the state when directed by the tax administrator to do so. Any property seized may be  
6 offered by the tax administrator for sale at public auction to the highest bidder after advertisement  
7 to discharge any tax liability owed to the state; provided, that any property seized in that manner  
8 is not released until the tax administrator is satisfied that all taxes owed to the state are paid and  
9 the retailer is in compliance with the sales/use tax law.

10 SECTION 14. Section 5-22-22 of the General Laws in Chapter 5-22 entitled "Shows and  
11 Exhibitions" is hereby amended to read as follows:

12 **5-22-22. Obstruction of sheriff or deputies** **Obstruction of members of the division of**  
13 **sheriffs.** -- Any person who hinders or obstructs any ~~sheriff or~~ deputy sheriff in entering any  
14 exhibition, performance, or place mentioned in this chapter is, upon conviction, guilty of  
15 obstructing an officer and liable to the penalty imposed in section 11-32-1.

16 SECTION 15. Section 8-8.1-4.2 of the General Laws in Chapter 8-8.1 entitled "Domestic  
17 Assault" is hereby amended to read as follows:

18 **8-8.1-4.2. Return of service -- Alternate service.** -- (a) The complaint and any order  
19 issued under this chapter shall be personally served upon the defendant by a deputy sheriff or  
20 constable except as provided in subsections (c), (d), and (f) of this section. Service shall be made  
21 without payment of any fee when service is made by a deputy sheriff. At the election of the  
22 plaintiff, service pursuant to this subsection may also be made by a constable licensed to serve  
23 process of the district court pursuant to section 45-16-4.1. The constable shall be entitled to  
24 receive the fee allowed by law for the service of a district court summons.

25 (b) Return of service shall be forwarded by the deputy sheriff or constable to the clerk of  
26 court prior to the date set down for hearing on the complaint. If service has not been made, the  
27 deputy sheriff or constable shall indicate on the summons the reason therefor and the attempts  
28 made to serve the defendant.

29 (c) At the time the return of service is sent to the clerk of the court, the deputy sheriff or  
30 constable shall cause a copy of the return of service to be sent to the plaintiff and to the  
31 appropriate law enforcement agency.

32 (d) If, at the time of hearing on the complaint, the court determines that after diligent  
33 effort the deputy sheriff or constable has been unable to serve the defendant personally, the judge  
34 may order an alternate method of service designed to give reasonable notice of the action to the

1 defendant and taking into consideration the plaintiff's ability to afford the means of service  
2 ordered. Alternative service shall include but not be limited to: service by certified and regular  
3 mail at defendant's last known address (excluding the residence which he or she has been ordered  
4 to vacate) or place of employment, leaving copies at the defendant's dwelling or usual place of  
5 abode with a person of suitable age and discretion residing therein, or by publication in a  
6 newspaper for two (2) consecutive weeks. The court shall set a new date for hearing on the  
7 complaint and shall extend the temporary order until that date.

8 (e) If the defendant appears in person before the court, the necessity for further service is  
9 waived and proof of service of that order is not necessary.

10 (f) If the defendant is served notice regarding the complaint and hearing, but does not  
11 appear at the hearing, the clerk of the district court shall mail the defendant a copy of the resulting  
12 order.

13 SECTION 16. Sections 9-5-6, 9-5-7, 9-5-8, 9-5-9 and 9-5-10 of the General Laws in  
14 Chapter 9-5 entitled "Writs, Summons and Process" are hereby amended to read as follows:

15 **9-5-6. Writs and process operating throughout state -- Officers to whom directed. --**

16 All writs and process shall run throughout the state, and shall be directed to the [division of](#)  
17 [sheriffs, or constables](#), ~~of all the counties in the state, or to their deputies~~; but if [any deputy the](#)  
18 [sheriff of any county](#) is a party to the action or suit, the process, ~~if to be served in that county,~~  
19 shall, ~~in addition to the former direction,~~ be directed to [the town sergeant](#) ~~sergeants in the county,~~  
20 [or constable](#) and may be served by any one of them not a party to the action or suit.

21 **9-5-7. Direction of writs for arrest or execution against the body. --** All writs  
22 whatsoever, commanding the arrest of a defendant, or executions running against the body of a  
23 defendant, shall be directed for service only to [the division of](#) sheriffs ~~or their deputies~~, or if the  
24 writ is to be served in the town of New Shoreham, it may be directed to the town sergeant of the  
25 town, subject to the provisions of section 9-5-8, and no writ of arrest shall be served by any other  
26 officer.

27 **9-5-8. Power of New Shoreham town sergeant -- Bond. --** The town sergeant of the  
28 town of New Shoreham is hereby authorized and empowered to serve any writ and civil or  
29 criminal process in the town of New Shoreham and the waters adjacent thereto within the  
30 jurisdiction of the state, the ad damnum of which does not exceed one thousand dollars (\$1,000),  
31 as fully and effectually as [a member of the division of sheriffs](#) ~~the sheriff of Newport county~~;  
32 provided, that the town sergeant of New Shoreham give bond, with two (2) sufficient sureties, to  
33 the general treasurer in the sum of two thousand dollars (\$2,000). In case any person is injured by  
34 the breach of the bond, he or she may sue upon the bond in like manner as he or she might do

1 upon a sheriff's bond in a like case under the provisions of sections 42-29-12 and 42-29-13.

2 **9-5-9. Warrants for commitment to institutions.** -- Any warrant or mittimus issued  
3 from any district court committing any person to ~~the Exeter school or~~ the institute of mental  
4 health shall be directed to and executed by duly authorized agents of the department of human  
5 services, who shall make return thereon, the provisions of any other law to the contrary  
6 notwithstanding.

7 **9-5-10. Direction and return of district courts writs and summonses.** -- Writs and  
8 summonses issued by a district court shall be made returnable to the court at the place and on the  
9 day and hour provided by law, to be named in the writs and summonses, and shall, except as  
10 otherwise specifically provided, be directed to the division of sheriffs ~~sheriff, the sheriff's~~  
11 ~~deputies~~, or to either of the town sergeants or constables licensed pursuant to section 45-16-4.1 of  
12 the county in which the action shall be brought, or pursuant to section 45-16-4.3 for statewide  
13 service; provided, that writs of arrest and writs, summonses, and executions issued by a district  
14 court in actions for possession of tenements or estates let or held at will or by sufferance shall be  
15 directed to the division of sheriffs ~~sheriff or the sheriff's deputies in the county in which the~~  
16 ~~action shall be brought~~ and service thereof shall be made by a member of the division of sheriffs  
17 ~~the sheriff or the sheriff's deputies~~; and provided, further, that in actions wherein the debt or  
18 damages demanded exceed three hundred dollars (\$300), a town sergeant of the county in which  
19 the action is brought shall have power to serve the writs or summonses only if his or her  
20 certificate of appointment has been endorsed approving such use thereof by the judge of the  
21 district court having jurisdiction in the city or town by which the sergeant was appointed or  
22 elected. In case any person upon whom it is necessary to make service of any writ, summons, or  
23 execution issued by a district court is, or has estate, in any other county than the one in which the  
24 action is brought, the writ, summons, or execution may also be directed to and served by the like  
25 officer of such other county.

26 SECTION 17. Section 9-9-3 of the General Laws in Chapter 9-9 entitled "Jury Lists" is  
27 hereby amended to read as follows:

28 **9-9-3. Persons exempt from service.** -- The following persons shall be exempted from  
29 serving as jurors, unless such persons shall waive their exemption, namely: the members of  
30 congress from the state of Rhode Island, the general officers of the state, the members and  
31 officers of the general assembly during their tenure of office irrespective of whether the general  
32 assembly is in session or not, the jury commissioner and his or her assistants, the justices of the  
33 state and United States courts, clerks of those courts, practicing attorneys-at-law, correctional  
34 officers, ~~sheriffs~~, deputy sheriffs, ~~marshals, deputy marshals~~, probation and parole officers,

1 members of any paid police force of the state or of any city or town, members of any paid fire  
2 department of any city or town, and members of the armed services on active duty.

3 SECTION 18. Section 9-17-8 of the General Laws in Chapter 9-17 entitled "Witnesses"  
4 is hereby amended to read as follows:

5 **9-17-8. Attachment of witness in criminal proceeding.** -- Whenever any witness, duly  
6 served with a subpoena to testify in any criminal proceeding at any court, shall neglect to appear  
7 according to the tenor of the subpoena, the court may order a writ of attachment to issue against  
8 him or her, returnable at such time as the court shall direct, and may direct the writ of attachment  
9 to each and all ~~sheriffs~~, deputy sheriffs, town sergeants, and constables within the state.

10 SECTION 19. Sections 9-26-27, 9-26-28 and 9-26-29 of the General Laws in Chapter 9-  
11 26 entitled "Levy and Sale on Execution" are hereby amended to read as follows:

12 **9-26-27. Interest on execution.** -- Every ~~sheriff~~, deputy sheriff, town sergeant, and  
13 constable charged with the service of any execution for any debt or damages shall levy, collect,  
14 receive, and pay over interest on the debt or damages, from the date entered on the margin, up to  
15 the time of its discharge by him or her.

16 **9-26-28. ~~Execution against sheriff~~ Execution against a deputy sheriff.** -- Whenever  
17 judgment shall be rendered against any person holding the office of deputy sheriff, the execution  
18 issued thereon, directed in the ordinary form, may be delivered to the division of sheriffs ~~sheriff~~  
19 ~~or a deputy sheriff of some other county~~, who, ~~within the county of the defendant sheriff~~, may  
20 levy on the property, subject to levy on execution, of the defendant, ~~as the proper sheriff of the~~  
21 ~~county might do in other cases~~, and proceed and sell the property according to law.

22 **9-26-29. ~~Execution against body of sheriff for want of property~~ Execution against**  
23 **body of a deputy sheriff for want of property.** -- For want of goods and chattels and real estate  
24 or other property, subject to levy on execution, the ~~other sheriff or deputy shall~~ director of public  
25 safety may designate a deputy sheriff to take the body of the defendant ~~sheriff~~ and commit him or  
26 her to the adult correctional institutions, whenever the writ of execution shall command him or  
27 her so to do.

28 SECTION 20. Section 9-28-6 of the General Laws in Chapter 9-28 entitled "Proceedings  
29 in Aid of Execution" is hereby amended to read as follows:

30 **9-28-6. Enforcement of decree.** -- If the debtor at any time fails to comply with the  
31 decree, the court entering the decree may cause him or her to be cited to show cause for the  
32 noncompliance; and unless the debtor shows good cause therefor, the court may order that unless  
33 he or she complies with the decree, or with such modification thereof as the court may then make,  
34 within the time stated in the order, the failure shall be a contempt of court; and if at the expiration

1 of the time fixed by the court for compliance with the new decree the debtor still fails or refuses  
2 to comply therewith, the court may enforce its decree by proceedings for contempt. And if a  
3 defendant is in the custody of or committed to jail by ~~the sheriff~~ a member of the division of  
4 sheriffs, or imprisoned, either upon execution or by order of the court in contempt proceedings, it  
5 shall not operate in any degree as a payment or satisfaction of the judgment upon which the  
6 execution is issued, or concerning which the order is entered, nor shall the custody, commitment  
7 to jail, or imprisonment be or constitute any bar, delay, or ~~hinderance~~ hindrance to any legal or  
8 equitable proceedings to discover or reach any assets, legal or equitable, of the defendant.

9 SECTION 21. Sections 9-29-9, 9-29-14 and 9-29-14.1 of the General Laws in Chapter 9-  
10 29 entitled "Fees" are hereby amended to read as follows:

11 **9-29-9. Fees of sheriffs, sergeants, and constables.** -- (a) The fees, including mileage,  
12 ~~of sheriffs~~, deputy sheriffs, town sergeants, and constables, for which a deposit to insure payment  
13 may be required, shall not exceed the following:

- 14 (1) For serving any writ of replevin, or out of state papers ..... \$100.00
- 15 (2) For serving all other writs, citations, or subpoenas ..... \$45.00
- 16 (3) For a writ copy of every one hundred words ..... \$2.00
- 17 (4) For every writ returned when the defendant cannot be found... ..... \$15.00
- 18 (5) For serving any writ of arrest or body attachment ..... \$100.00

19 (b) The above fees shall be deposited as general revenue.

20 **9-29-14. Legal Aid Society and Rhode Island Legal Services, Inc. exempt from fees.** -

21 ~~z~~ Neither the Legal Aid Society of Rhode Island nor Rhode Island Legal Services, Inc. shall be  
22 required to pay any fees to the superior court, family court, or district courts or the clerks thereof  
23 or any fees or charges for the service or travel of ~~sheriffs or~~ deputy sheriffs for serving any writ,  
24 citation, subpoena or other process or for taking bail, bond, or inventory or for making copies of  
25 writs for or in behalf of the organizations or their clients; provided, however, that fees and  
26 charges authorized by law shall nevertheless be taxable as costs.

27 **9-29-14.1. The state exempt from fees.** -- The state of Rhode Island, its departments,  
28 agencies, boards, and commissions shall not be required to pay any fees, including appeal fees, to  
29 the superior court or district courts or the clerks thereof, or any fees or charges for the service or  
30 travel of ~~sheriffs or~~ deputy sheriffs for serving any writ, citation, subpoena, or other process or for  
31 taking bail, bond, or inventory or for making copies of writs for or in behalf of the state;  
32 provided, however, that fees and charges authorized by law shall nevertheless be taxable as costs.

33 SECTION 22. Section 10-1-7 of the General Laws in Chapter 10-1 entitled "Abatement  
34 of Nuisances" is hereby amended to read as follows:

1           **10-1-7. Decree and order of abatement -- Sale of property.** -- If the existence of a  
2 nuisance shall finally be admitted or established in any proceeding under this chapter, a decree  
3 permanently enjoining the maintenance thereof shall be entered, and, in addition thereto, an order  
4 of abatement shall be entered, directing ~~the sheriff of the county, or his or her deputies,~~ [a deputy](#)  
5 [sheriff](#) to enter the place where the nuisance exists and to sell and remove, in the manner provided  
6 for the sale of goods and chattels under execution, all personal property used in maintaining the  
7 nuisance, unless the owner of the personal property shall prove to the satisfaction of the court that  
8 he or she had no knowledge and by the exercise of reasonable diligence could not have learned of  
9 the maintenance of the nuisance before the filing of the complaint, and the court may further  
10 direct that the place where the nuisance exists shall be kept closed for all purposes for a period of  
11 one year unless otherwise ordered. The proceeds of any sale under this section shall be applied  
12 first to the payment of all costs incurred in connection with the proceedings brought under this  
13 chapter in connection with the nuisance, and secondly to the payment of a reasonable counsel fee  
14 for the plaintiff, and any balance remaining shall be paid to the owner of the property so sold.

15           SECTION 23. Sections 10-5-16, 10-5-17 and 10-5-32 of the General Laws in Chapter 10-  
16 5 entitled "Attachment" are hereby amended to read as follows:

17           **10-5-16. Surrender of attached goods on defendant's bond.** -- Every officer having  
18 goods and chattels attached by him or her in his or her custody shall surrender the goods and  
19 chattel, at any time after the attachment, and before final judgment or decree, to the person whose  
20 interest in the goods and chattel has been attached, or from whose possession they have been  
21 taken, upon being tendered a bond by the defendant or someone in his or her behalf, with  
22 sufficient surety or sureties to the satisfaction of the officer, in double the value of the goods and  
23 chattels so attached, the value to be determined by the sworn appraisal of any two (2) or three (3)  
24 persons, one chosen by the ~~sheriff~~ [director of the department of public safety](#) and one by the  
25 defendant or his or her attorney, and the third by the creditor or his or her attorney, or in the penal  
26 sum of the amount of damages stated in the writ, with condition that the bond shall be null and  
27 void if, at any time after final judgment or decree rendered in the action or cause in which the  
28 attachment shall have been made, upon request therefor, the appraised value of the goods and  
29 chattels shall be paid, or the goods and chattels shall, in as good order and condition as when  
30 surrendered, be returned to the officer taking the bond, or to any officer who shall be charged  
31 with the service of an execution issued upon the judgment or decree rendered in the action or  
32 cause, unless the judgment or decree shall have been paid, or shall be immediately paid, together  
33 with the costs upon the execution, upon the making of the request for the return of the goods and  
34 chattels or the payment of their appraised value.

1           **10-5-17. Release of real estate on bond.** -- ~~Each sheriff in each county~~ The director of  
2 the department of public safety or his or her designee wherein any officer commanded by any  
3 original writ or writ of mesne process to attach the real estate or right, title, and interest in the real  
4 estate of any defendant has attached the real estate or defendant's right, title, and interest therein,  
5 ~~whether during his or her tenure as sheriff or during the tenure of a prior sheriff, shall,~~ by himself  
6 or herself ~~or through his or her deputies,~~ release and discharge the attachment upon the public  
7 records at any time after the attachment and before final judgment or decree:

8           (1) Upon being tendered a bond, running to the ~~sheriff and his or her successors in office~~  
9 division of sheriffs, by the defendant or someone in his or her behalf with sufficient surety, which  
10 surety shall be a surety corporation authorized so to act in this state, in the penal sum of the  
11 amount of damages stated in the writ, with condition that the bond shall be null and void if there  
12 is a settlement or discontinuance of the action or cause, or if the final judgment or decree in the  
13 action or cause in which the writ of attachment was served shall be immediately paid and satisfied  
14 after the rendition of the final judgment or decree, or if the execution issued in the writ be  
15 returned satisfied, or if final judgment or decree in the action or cause is for the defendant, or  
16 upon the happening of any event which, ipso facto, would have resulted in the extinguishment of  
17 the lien of the attachment had the attachment not been released and discharged pursuant to the  
18 provisions of this section; or

19           (2) Upon payment by a defendant, or by someone in his or her behalf, of the amount of  
20 damages stated in the writ, into the registry of the court in which the action or cause is then  
21 pending, and the clerk thereof shall immediately notify the sheriff of the fact of the payment and  
22 thereafter shall pay from the amount so deposited to the plaintiff, if final judgment or decree is in  
23 his or her favor, so much thereof as may be required to satisfy his or her execution, and shall pay  
24 the balance, if any, of the amount so deposited, with actual accrued interest, if any, to the  
25 defendant, and if judgment or decree in the action or cause is for defendant, in the event upon  
26 presentation of execution in his or her favor, the amount so deposited, with actual accrued  
27 interest, if any, shall be immediately paid to the defendant, but such amount may at any time be  
28 paid by the clerk as the parties may by their agreement stipulate, or as the court upon motion of  
29 any party in interest may direct.

30           **10-5-32. Surety on defendant's bond -- Lien on surety's real estate.** -- Whenever a  
31 ~~sheriff or a deputy sheriff~~ member of the division of sheriffs shall take a bond for the release of  
32 goods and chattels attached on an original writ or a writ of mesne process, in which the ad  
33 damnum shall be more than one thousand dollars (\$1,000), the bond shall be in the penal sum of  
34 the amount of damages stated in the writ, with some surety company authorized to do business in

1 this state as surety, unless the defendant can furnish as surety a resident of the state satisfactory to  
2 the officer taking the bond, who is the owner of real estate in this state having a value over all  
3 incumbrances thereon, equal to the penal sum of the amount of damages stated in the writ. In case  
4 the owner of such real estate is accepted as surety, the bond shall contain a description of the real  
5 estate, so that the real estate may be readily identified in the records of land evidence of the city  
6 or town in which it is situated, and also a statement by the surety of the value of the real estate  
7 free from all incumbrances, and the description and the valuation shall be sworn to by the surety,  
8 and his or her affidavit shall be made a part of the bond. Before the goods and chattels are  
9 released, an attested copy of the bond shall be filed with the recorder of deeds, but if there is no  
10 recorder of deeds, then with a city or town clerk of the city or town in which the real estate is  
11 situated, and the copy shall be recorded in the same manner as copies of writs of attachment are  
12 recorded under the provisions of this chapter, and the bond shall be a lien upon the real estate  
13 described in the bond until the action in which the attachment was made is disposed of, or the  
14 bond is cancelled by the plaintiff, or by his or her attorney of record, or by order of a court of  
15 competent jurisdiction. The officer taking the bond shall be allowed a fee of one dollar and fifty  
16 cents (\$1.50) for making a copy of the bond, and the fee for the copy, together with the fee for  
17 recording, shall be a part of the costs in the case. Any lien created by the provisions of this  
18 section may be established, foreclosed, and enforced by a civil action, which action may be heard,  
19 tried, and determined according to the usages in chancery and the principles of equity.

20 SECTION 24. Sections 10-9-12 and 10-9-24 of the General Laws in Chapter 10-9  
21 entitled "Habeas Corpus" are hereby amended to read as follows:

22 **10-9-12. Remand, bail, or commitment pending judgment.** -- Until judgment is given,  
23 the court may remand the party, or may bail him or her to appear from day to day, or may commit  
24 him or her to ~~the sheriff of the county~~ [a member of the division of sheriffs](#), or place him or her  
25 under such other care and custody as the circumstances of the case may require.

26 **10-9-24. ~~Attachment and commitment of sheriff or deputy~~ Attachment and**  
27 **commitment of a member of the division of sheriffs.** -- If an attachment shall be issued against  
28 ~~a sheriff or his or her deputy~~ [any deputy sheriff](#), it may be directed to ~~any town sergeant or to any~~  
29 ~~other person, to be designated in the attachment~~ [the commissioner of public safety and the](#)  
30 [superintendent of the Rhode Island state police](#), who shall have full power to execute the  
31 attachment; and if the [deputy](#) sheriff or deputy should be committed upon such process, he or she  
32 may be committed to the adult correctional institutions ~~in any other county than his or her own~~.

33 SECTION 25. Sections 10-10-11 and 10-10-12 of the General Laws in Chapter 10-10  
34 entitled "Imprisonment on Civil Process" are hereby amended to read as follows:



1           **10-10-11. Bonds and obligations not provided for void.** -- If any ~~sheriff~~, deputy sheriff,  
2 town sergeant, constable or the warden of the adult correctional institutions shall take or receive  
3 from any prisoner in his or her custody any bond, obligation, covenant, promise, or assurance  
4 whatsoever, to indemnify and save harmless the person taking the bond, obligation, ~~covenant~~  
5 covenant, promise, or assurance for the enlargement or ease of the prisoner, in any other form or  
6 manner than is prescribed by law for taking bail on mesne process in a civil action, or is  
7 prescribed in this chapter or chapter 12 of this title, every such bond, obligation, covenant,  
8 promise or assurance whatsoever, shall be utterly void.

9           **10-10-12. Payment of prisoner's board.** -- Whenever any person shall be imprisoned in  
10 or committed to the adult correctional institution upon original writ, mesne process, execution, or  
11 surrender or commitment by bail, in any action whatsoever, the party at whose suit the person is  
12 imprisoned, or committed for the benefit of or at the request of the United States of America shall  
13 pay to the warden of the institution in which he or she is imprisoned or committed the sum of two  
14 hundred ten dollars (\$210), per week in advance for the board of the prisoner or person,  
15 reckoning the board from the time of the commitment; which payment in advance shall continue  
16 to be made by the creditor or the United States of America during the time the person shall be  
17 detained at his or her suit; provided, however, that in all cases in which any person shall be  
18 imprisoned under an original writ, mesne process, execution against the body or because of  
19 surrender or commitment by bail, in any suit in favor of the state and in all cases where the person  
20 is held in civil or criminal contempt by any court of the state, or any commitment under section  
21 15-5-16, no board need be demanded by or paid to the warden. Provided, further, however, that in  
22 all applicable cases of commitment, the party so committing shall pay the board in advance until  
23 one week after notice in writing of the commitment shall have been duly served upon the party, or  
24 his or her attorney of record, by ~~the sheriff, his or her deputy~~ any member of the division of  
25 sheriffs, or other duly qualified officer and lodged with the warden of the institution where the  
26 person is committed.

27           SECTION 26. Section 10-11-2 of the General Laws in Chapter 10-11 entitled "Bail of  
28 Persons Imprisoned on Civil Process" is hereby amended to read as follows:

29           **10-11-2. Giving of bail bond.** -- Whoever shall become bail for any person may give  
30 bond to ~~the sheriff~~ a member of the division of sheriffs, if the writ or process shall be served by  
31 the ~~sheriff or his or her deputy~~ division of sheriffs; and if the writ or process shall be served by a  
32 town sergeant or constable, the bail bond in such case shall be given to the officer serving the writ  
33 or process.

34           SECTION 27. Sections 10-12-1, 10-12-2 and 10-12-8 of the General Laws in Chapter 10-

1 12 entitled "Liberty of Jail Yard" are hereby repealed.

2 ~~**10-12-1. Power of sheriff or warden to grant liberty.** --- Whenever any person shall be~~  
3 ~~imprisoned for want of bail in any civil action, or upon surrender or commitment by bail in any~~  
4 ~~civil action, or on execution in any civil action, except on executions awarded in actions on penal~~  
5 ~~statutes or on bonds given in pursuance of the provisions of this chapter, or in any action for~~  
6 ~~conversion, all actions sounding in tort other than for replevin and for trespass to land in which~~  
7 ~~the title to the land was in dispute, and actions to recover possession of land, or in an action~~  
8 ~~prosecuted by bail against his principal, the sheriff or warden of the correctional institution may~~  
9 ~~grant the person a chamber or lodging in any of the houses or apartments belonging to the~~  
10 ~~institution and the liberty of the yard within the limits thereof, upon reasonable payment to be~~  
11 ~~made for chamber room and upon bond being given by the person as provided in section 10-12-2.~~

12 ~~**10-12-2. Bond to secure liberty.** --- The person shall first leave with the sheriff or warden~~  
13 ~~a bond to the creditor with two (2) or more sufficient sureties, being inhabitants of this state,~~  
14 ~~bound jointly and severally at least in double the sum for which he or she is imprisoned, with~~  
15 ~~condition in form following: That if the above --- now a prisoner in the correctional institution in~~  
16 ~~within the county of --- at the suit of --- shall from henceforth continue to be a true prisoner in the~~  
17 ~~custody, guard, and safekeeping of --- warden of the institution, and in the custody, guard, and~~  
18 ~~safekeeping of --- his or her deputy officers and servants, or, some one of them within the limits of~~  
19 ~~the institution and keeping the warden advised of the place of his or her usual residence and~~  
20 ~~abode therein until he or she shall be lawfully discharged without committing any manner of~~  
21 ~~escape or escapes during the term of his or her restraint, then this obligation shall be void or else~~  
22 ~~shall remain in full force and virtue.~~

23 ~~**10-12-8. Surrender of principal by surety on jail yard bond.** --- Every person who shall~~  
24 ~~become surety in any bond given by any debtor for the liberty of the jail yard as provided in~~  
25 ~~section 10-12-2, shall have a right at any time to deliver up the principal in the bond to the sheriff~~  
26 ~~of the county in which the debtor shall have been committed, or to the warden of the adult~~  
27 ~~correctional institutions, and within the institutions, whereupon he or she shall be detained by the~~  
28 ~~sheriff or warden in close jail, in the same manner as though he or she had not been liberated on~~  
29 ~~bond, until he or she shall give other bond according to the provisions of this chapter, or be~~  
30 ~~otherwise discharged according to law, and none of the sureties, after the principal has been~~  
31 ~~delivered up as provided in this section, shall be liable for any escape thereafter committed by the~~  
32 ~~principal.~~

33 SECTION 28. Sections 10-13-4 and 10-13-16 of the General Laws in Chapter 10-13  
34 entitled "Relief of Poor Debtors" are hereby amended to read as follows:

1           **10-13-4. Service of citation on creditor. --** The citation shall be served on the creditor,  
2 his or her agent or attorney as provided in section 10-13-3, seven (7) days at least before the time  
3 appointed as provided in section 10-13-3, by reading the citation to him or her, or by leaving an  
4 attested copy with some person living at his or her last and usual place of abode, by the ~~sheriff,~~  
5 ~~his or her deputy~~ [a member of the division of sheriffs](#) or either of the town sergeants or constables  
6 in the county in which the creditor, his or her agent or attorney, shall reside. If the creditor does  
7 not live or have any agent or attorney within this state, the service shall be made upon the creditor  
8 by any disinterested person.

9           **10-13-16. Service of citation. --** The citation shall be served by any ~~sheriff,~~ deputy  
10 sheriff, town sergeant, or constable, at least four (4) days before the time therein appointed for  
11 taking the oath, by reading the citation to the plaintiff or by leaving an attested copy thereof at his  
12 or her last and usual place of abode in this state, with some person living there, and the citation  
13 shall be returned to the court in which the action is pending. If the plaintiff does not reside in this  
14 state, service of the citation may be made in like manner upon the agent or attorney of record of  
15 the plaintiff in this state.

16           SECTION 29. Sections 11-5-5 and 11-5-15 of the General Laws in Chapter 11-5 entitled  
17 "Assaults" are hereby amended to read as follows:

18           **11-5-5. Assault of police officers and other officials. --** Any person who shall make an  
19 assault or battery, or both, by knowingly and willfully either (1) striking, or (2) spraying with a  
20 noxious chemical, commonly used as a personal defense weapon, including Mace and an  
21 oleoresin capsicum product or like products, a uniformed member of the state police or  
22 metropolitan park police, environmental police officer, state properties patrol officer, probation  
23 and parole officers, state government case worker or investigator, judge of the supreme, superior,  
24 family, district court, traffic tribunal or municipal court, ~~sheriff,~~ deputy sheriff, city or town  
25 police officer or firefighter, ~~member of the Rhode Island state marshals of the department of~~  
26 ~~corrections,~~ member of the capitol police, member of campus security force of state colleges and  
27 universities, member of the Rhode Island airport police department, member of the Rhode Island  
28 fugitive task force, Rhode Island public transit authority bus driver, or on-duty plainclothes  
29 member of the town, city, or state police force, investigator of the department of the attorney  
30 general appointed pursuant to section 42-9-8.1, or member of the railroad police after proper  
31 identification is displayed, or uniformed dog officer, or out-of-state police officer called into  
32 Rhode Island under a cooperative agreement to provide mutual aid at the request of the state of  
33 Rhode Island pursuant to chapter 37 of title 42, or assistant attorney general or special assistant  
34 attorney general, or employees of the department of environmental management responsible for

1 administrative inspections or any constable authorized by chapter 45-16 of the Rhode Island  
2 general law causing bodily injury while the officer or official is engaged in the performance of his  
3 or her duty, shall be deemed to have committed a felony, and shall be imprisoned not exceeding  
4 three (3) years, or fined not exceeding fifteen hundred dollars (\$1,500), or both.

5 ~~**11-5-15. Aggravated harassment of a deputy marshal or deputy sheriff by an**~~  
6 ~~**inmate. Aggravated harassment of a deputy sheriff by an inmate --**~~ Every prisoner confined  
7 in a custodial unit of the adult correctional institutions or in the custody of the warden or other  
8 correctional employee while outside the confines of the institutions who causes or attempts to  
9 cause any ~~deputy marshal or~~ deputy sheriff to come into contact with blood, seminal fluid, urine  
10 or feces, by throwing, tossing or expelling the fluid or material with the intent to harass, annoy,  
11 threaten or alarm, shall be imprisoned not exceeding two (2) years, or fined not less than five  
12 hundred dollars (\$500) nor more than two thousand dollars (\$2,000), or both.

13 SECTION 30. Section 11-8-6 of the General Laws in Chapter 11-8 entitled "Burglary and  
14 Breaking and Entering" is hereby amended to read as follows:

15 **11-8-6. Entry to steal poultry -- Arrest -- Fine. --** Every person who breaks and enters,  
16 or enters in the nighttime without breaking, any building or enclosure in which are kept or  
17 confined any kind of poultry, with intent to steal any of the poultry, shall be punished by  
18 imprisonment for not more than five (5) years, or by a fine of not more than five hundred dollars  
19 (\$500), or both. Every person who is discovered in the act of willfully entering any building or  
20 enclosure in which are kept or confined any kind of poultry, with intent to steal any of the  
21 poultry, may be arrested without a warrant by a ~~sheriff,~~ deputy sheriff, constable, guard, police  
22 officer, or other person and detained in jail or otherwise until a complaint can be made against  
23 him or her for the offense, and until he or she is taken on a warrant issued upon the complaint, but  
24 detention without a warrant shall not continue more than twenty-four (24) hours. One-half ( 1/2)  
25 of any fine imposed under this section shall inure to the complainant.

26 SECTION 31. Section 11-12-9 of the General Laws in Chapter 11-12 entitled "Dueling  
27 and Fighting" is hereby amended to read as follows:

28 **11-12-9. Arrest of fighters. --** ~~Every sheriff,~~ A deputy sheriff, town sergeant, constable  
29 or police officer shall immediately arrest in any county any person violating any of the provisions  
30 of sections 11-12-6 -- 11-12-8, and shall detain the person until a warrant can be obtained for his  
31 or her arrest.

32 SECTION 32. Section 11-14-1 of the General Laws in Chapter 11-14 entitled "False  
33 Personation" is hereby amended to read as follows:

34 **11-14-1. Impersonation of public officer. --** Every person who shall falsely assume or

1 pretend to be a judge, justice of the peace, warden, ~~sheriff~~, deputy sheriff, alderman, member of  
2 any city or town council, city or town clerk, city sergeant, constable, correctional officer, ~~marshal~~  
3 ~~or deputy marshal~~, or any other officer of any city or town in this state as well as any out-of-state  
4 police, and shall act as such, shall be imprisoned not exceeding one year or be fined not  
5 exceeding one thousand dollars (\$1,000).

6 SECTION 33. Section 11-17-11 of the General Laws in Chapter 11-17 entitled "Forgery  
7 and Counterfeiting" is hereby amended to read as follows:

8 **11-17-11. Seizure and destruction of counterfeits and counterfeiting devices. --**

9 Whenever the existence of any false, forged, or counterfeit bank bills or notes, or any plates, dies,  
10 or other tools, instruments, or implements used by counterfeiters or designed for the forging or  
11 making of any false or counterfeit notes, coin, or bills, shall come to the knowledge of any  
12 ~~sheriff~~, deputy sheriff, constable or police officer in this state, the officers shall immediately seize  
13 and take possession of it and deliver it into the custody of the superior court for the county in  
14 which it shall be, and the court shall, as soon as the ends of justice will permit, cause it to be  
15 destroyed by an officer of the court, which officer shall make a return to the court of his or her  
16 doings in the premises.

17 SECTION 34. Sections 11-25-20 and 11-25-21 of the General Laws in Chapter 11-25  
18 entitled "Jails and Prisons" are hereby amended to read as follows:

19 **11-25-20. Habeas corpus for production of prisoner. --** Whenever a writ of habeas

20 corpus shall issue from either the supreme or superior court for the production and appearance  
21 before it of a prisoner confined in the adult correctional institutions, the writ shall be delivered to  
22 the ~~division of sheriffs~~ ~~sheriff of the county where the prisoner shall be required to be produced~~  
23 ~~or appear, or to his or her deputy~~. Whenever the writ is issued from any other court, it shall be  
24 delivered to the ~~division of sheriffs~~ ~~sheriff of the county, the deputy~~, or to any town sergeant or  
25 chief of police or police constable ~~in the sheriff's county~~, who shall duly present it to the director  
26 of corrections of the institutions. The director of corrections shall upon receipt of the writ deliver  
27 the prisoner to the custody of the officer. The officer shall take and receive the prisoner into his or  
28 her custody, shall duly present the prisoner before the court pursuant to the command of the writ,  
29 and shall keep and hold the prisoner until by order of the court he or she shall be recommitted to  
30 the institutions or otherwise disposed of. Upon the delivery of the custody of the prisoner by the  
31 director of corrections to the officer, the director of corrections shall endorse the delivery upon  
32 the writ, and the officer shall receipt on the books of the institutions for custody. The officer,  
33 upon the production of the prisoner in court, shall further endorse that fact on the writ and deliver  
34 it to the clerk or (if there is no clerk) the presiding justice; but shall, as an officer of the court,

1 maintain safe custody of the prisoner until he or she is, by further order, recommitted or  
2 discharged.

3 **11-25-21. Habeas corpus -- Training school for youth.** -- Whenever a writ of habeas  
4 corpus shall issue from either the supreme, superior or family court for the production and  
5 appearance before it of a prisoner confined in the training school for youth, the writ shall be  
6 delivered to the [division of sheriffs](#) ~~sheriff of the county where the prisoner shall be required to be~~  
7 ~~produced or appear, or to the sheriff's deputy.~~ Whenever the writ is issued from any other court, it  
8 shall be delivered to the [division of sheriffs](#) ~~sheriff of the county, the sheriff's deputy,~~ or to any  
9 town sergeant or chief of police or police constable ~~in the county,~~ who shall duly present it to the  
10 superintendent of the training school for youth. The superintendent shall upon receipt of the writ  
11 deliver the prisoner to the custody of the officer. The officer shall take and receive the prisoner  
12 into his or her custody, shall duly present him or her before the court pursuant to the commands  
13 of the writ, and shall keep and hold the prisoner until by order of the court the prisoner shall be  
14 recommitted to the institution or otherwise disposed of. Upon the delivery of the custody of the  
15 prisoner by the superintendent to the officer, the superintendent shall endorse the delivery upon  
16 the writ, and the officer shall receipt on the books of the training school for youth for the custody.  
17 The officer, upon the production of the prisoner in court, shall further endorse that fact on the writ  
18 and deliver it to the clerk or (if there is no clerk) the presiding justice; but shall, as an officer of  
19 the court, maintain safe custody of the prisoner until he or she is, by further order, recommitted or  
20 discharged.

21 SECTION 35. Section 11-28-4 of the General Laws in Chapter 11-28 entitled  
22 "Malfeasance and Misfeasance in Office" is hereby amended to read as follows:

23 **11-28-4. Omission or delay of duty by sheriff, sergeant, or constable.** -- ~~Every sheriff,~~  
24 [A](#) deputy sheriff, town sergeant, city sergeant or constable, who shall receive from any defendant  
25 or any other person any money or other valuable thing as a consideration, reward, or inducement  
26 for omitting or delaying to perform any duty pertaining to his or her office, shall be imprisoned  
27 not exceeding six (6) months or be fined not exceeding five hundred dollars (\$500).

28 SECTION 36. Section 11-31-8 of the General Laws in Chapter 11-31 entitled "Obscene  
29 and Objectionable Publications and Shows" is hereby amended to read as follows:

30 **11-31-8. Entry of premises by sheriff or deputies . Entry of premises by deputies --**  
31 ~~The sheriff of any county or any of his deputies~~ [Any deputy sheriff](#), when so directed by ~~him or~~  
32 ~~her~~ [the director of the department of public safety](#), may, in the discharge of their duties, enter any  
33 exhibition, performance, or place mentioned in this chapter or chapter 22 of title 5.

34 SECTION 37. Section 11-32-1 of the General Laws in Chapter 11-32 entitled

1 "Obstructing Justice" is hereby amended to read as follows:

2 **11-32-1. Obstructing officer in execution of duty.** -- Every person who shall obstruct  
3 any officer, civil, military, or otherwise, including any state, city, or town police, [deputy](#) sheriff,  
4 or fire fighter, while in the execution of his or her office or duty, shall be imprisoned not  
5 exceeding one year or be fined not exceeding five hundred dollars (\$500).

6 SECTION 38. Section 11-37.2-5 of the General Laws in Chapter 11-37.2 entitled "Sexual  
7 Assault Protective Orders" is hereby amended to read as follows:

8 **11-37.2-5. Return of service -- Alternate service.** -- (a) The complaint and any order  
9 issued under this chapter shall be personally served upon the defendant by a sheriff or constable  
10 except as provided in subsection (c), (d) and (f) of this section. Service shall be made without  
11 payment of any fee when service is made by a [deputy](#) sheriff. At the election of the plaintiff,  
12 service pursuant to this subsection may also be made by a constable licensed to serve process of  
13 the district court pursuant to section 45-16-4.1. The constable shall be entitled to receive the fee  
14 allowed by law for the service of a district court summons.

15 (b) Return of service shall be forwarded by the [deputy](#) sheriff or constable to the clerk of  
16 the court prior to the date set down for hearing on the complaint. If service has not been made, the  
17 [deputy](#) sheriff or constable shall indicate on the summons the reason therefor and the attempts  
18 made to serve the defendant.

19 (c) At the time the return of service is sent to the clerk of the court, the [deputy](#) sheriff or  
20 constable shall cause a copy of the return of service to be sent to the plaintiff and to the  
21 appropriate law enforcement agency.

22 (d) If, at the time of hearing on the complaint, the court determines that after diligent  
23 effort the [deputy](#) sheriff or constable has been unable to serve the defendant personally, the judge  
24 may order an alternate method of service designed to give reasonable notice of the action to the  
25 defendant and taking into consideration the plaintiff's ability to afford the means of service  
26 ordered. Alternative service shall include, but not be limited to: service by certified and regular  
27 mail at defendant's last known address (excluding the residence which he or she has been ordered  
28 to vacate) or place of employment, leaving copies at the defendant's dwelling or usual place of  
29 abode with a person of suitable age and discretion residing therein, or by publication in a  
30 newspaper for two (2) consecutive weeks. The court shall set a new date for hearing on the  
31 complaint and shall extend the temporary order until that date.

32 (e) If the defendant appears in person before the court, the necessity for further service is  
33 waived and proof of service of that order is not necessary.

34 (f) If the defendant is served notice regarding the complaint and hearing, but does not

1 appear at the hearing, the clerk of the district court shall mail the defendant a copy of the resulting  
2 order.

3 (g) When service of the temporary order issued pursuant to this section has not been  
4 made and/or after a permanent order is entered, a police officer shall give notice of the order to  
5 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 the plaintiff's copy of the order and the police  
7 department's copy of the order the date and time of giving notice and the officer's name and badge  
8 number. The officer shall indicate on the offense report that actual notice was given.

9 SECTION 39. Section 11-43-10 of the General Laws in Chapter 11-43 entitled "Treason  
10 and Related Offenses" is hereby amended to read as follows:

11 **11-43-10. Arrest and commitment of persons charged.** -- Whenever any person shall  
12 be adjudged to be probably guilty of any offense under this chapter, he or she may be committed  
13 to the adult correctional institutions in any county, there to remain until discharged by order of  
14 law, and warrant of commitment shall issue accordingly, directed to the ~~sheriff or the sheriff's~~  
15 ~~deputy~~ division of sheriffs or to either of the city or town sergeants or constables in the same  
16 county with himself or herself, and to the warden of the adult correctional institutions, which  
17 warrant may be executed by the officer charged with it, although beyond his or her precinct, and  
18 shall constitute him or her, while charged with it, an officer, the obstructing of whom, while in  
19 the execution of this office, shall be punished as is or may be by law in other cases provided.

20 SECTION 40. Section 11-44-3 of the General Laws in Chapter 11-44 entitled "Trespass  
21 and Vandalism" is hereby amended to read as follows:

22 **11-44-3. Arrest and detention of persons taking fruits and vegetables.** -- Every  
23 ~~sheriff,~~ deputy sheriff, town or city sergeant, constable, or police officer, who shall discover any  
24 person or persons in the act of taking and carrying away any growing fruit or vegetables as  
25 prohibited by section 11-44-2, shall arrest that person or persons and detain the person or persons  
26 in custody until a complaint can be made against him, her, or them for the offense for which he,  
27 she, or they shall have been arrested and until he, she, or they be taken on a warrant issued upon  
28 the complaint; provided, that the arrest and detention without a warrant shall not continue longer  
29 than the space of twenty-four (24) hours.

30 SECTION 41. Sections 11-47-21, 11-47-51 and 11-47-55 of the General Laws in Chapter  
31 11-47 entitled "Weapons" are hereby amended to read as follows:

32 **11-47-21. Restrictions on possession or carrying of explosives or noxious substances.**  
33 -- Any person, except a member of the state police, ~~the sheriff or the sheriff's deputies~~ division of  
34 sheriffs, a member of the police force of any city or town, or a member of the Army, Navy, Air



1 Force, or Marine Corps of the United States, or of the National Guard or organized reserves when  
2 on duty, who possesses, or carries on or about his or her person or in a vehicle, a bomb or  
3 bombshell, except for blasting or other commercial use, or who, with intent to use it unlawfully  
4 against the person or property of another, possesses or carries any explosive substance, or any  
5 noxious liquid, gas, or substance, shall be guilty of a violation of this chapter and punished as  
6 provided in section 11-47-26.

7 **11-47-51. Loaded weapons in vehicles.** -- It is unlawful for any person to have in his or  
8 her possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which  
9 all shells and cartridges have not been removed in or on any vehicle or conveyance or its  
10 attachments while upon or along any public highway, road, lane, or trail within this state;  
11 provided, that the provisions of this section shall not apply ~~to sheriffs,~~ deputy sheriffs, the  
12 superintendent and members of the state police, prison or jail wardens or their deputies, members  
13 of the city or town police force, investigators of the department of attorney general appointed  
14 pursuant to section 42-9-8.1, the director, assistant director and other inspectors and agents at the  
15 Rhode Island state fugitive task force appointed pursuant to section 12-6-7.2, nor to other duly  
16 appointed law enforcement officers, including conservation officers, nor to members of the  
17 Army, Navy, Air force, or Marine Corps of the United States, or the National Guard or organized  
18 reserves, when on duty, nor to officers or employees of the United States authorized by law to  
19 carry a concealed firearm, nor to any civilian guard or criminal investigator carrying sidearms or  
20 a concealed firearm in the performance of his or her official duties under the authority of the  
21 commanding officer of the military establishment in the state of Rhode Island where he or she is  
22 employed by the United States.

23 **11-47-55. Enforcement of chapter.** -- ~~Sheriffs, deputy~~ Deputy sheriffs, the  
24 superintendent and members of the state police, members of the city or town police force, or other  
25 duly appointed law enforcement officers, including conservation officers, shall have the power to  
26 enforce the provisions of this chapter.

27 SECTION 42. Sections 12-5-3 and 12-5-8 of the General Laws in Chapter 12-5 entitled  
28 "Search Warrants" are hereby amended to read as follows:

29 **12-5-3. Issuance and contents.** -- (a) A warrant shall issue only upon complaint in  
30 writing, under oath of:

31 (1) A chief of police, deputy chief of police or other members of the police force of any  
32 city or town, ~~sheriff,~~ or deputy sheriff of any county, member of the division of state police, full  
33 time conservation officer of the department of environmental management, or other person  
34 specifically authorized by law to bring complaints for violation of the law which it is his or her

1 responsibility to enforce;

2 (2) Additionally, in the case of property stolen, embezzled, or obtained by fraud or false  
3 pretenses, any person who has a right to the possession of the property.

4 (b) Within fourteen (14) days of the issuance of any warrant under this chapter, whether  
5 or not executed, the warrant, accompanied by any supporting affidavits and an inventory of any  
6 property seized, shall be returned to the district court having jurisdiction over the place of the  
7 search or, in the event of a warrant that is not executed, the court from which it was issued. The  
8 returns shall be maintained by the district court according to the date of issuance. If not otherwise  
9 indicated, the return shall note whether the warrant was executed.

10 **12-5-8. Hearing upon seizure of matter alleged to be obscene.** -- Whenever any  
11 ~~sheriff~~, deputy sheriff, municipal or state police officer, or any other person authorized by law to  
12 execute a search warrant shall seize any property alleged to be obscene, pursuant to a search  
13 warrant issued under the provisions of this chapter, the person in whose possession it is found or  
14 who claims a proprietary interest in it shall be entitled to a hearing before the superior court on  
15 the question of whether or not the property is obscene within three (3) days of the time a written  
16 demand is submitted to a judge of the superior court and notice served upon the attorney general,  
17 or in the case of towns and cities the chief legal officer of the town or city, and if a hearing is  
18 held, the court shall render a decision on the question within forty-eight (48) hours of the  
19 conclusion of the hearing. If by the decision the court determines that the matter is not obscene, it  
20 shall be immediately returned to the person.

21 SECTION 43. Sections 12-6-7 and 12-6-7.1 of the General Laws in Chapter 12-6 entitled  
22 "Warrants for Arrest" are hereby amended to read as follows:

23 **12-6-7. Warrants issued to other divisions.** -- Whenever any judge of the district court,  
24 or any justice of the peace, shall issue his or her warrant against any person charged with an  
25 offense committed in a division of the district court, and the person so charged shall escape into,  
26 reside, or be in any other county than the one in which the division is, the judge or justice of the  
27 peace may direct his or her warrant to each and all ~~sheriffs~~, deputy sheriffs, city or town  
28 sergeants, and constables within the state, requiring them to apprehend the person and bring him  
29 or her before the division of the district court having jurisdiction of the offense, to be dealt with  
30 according to law; the officers shall obey and execute the warrant, and be protected from  
31 obstruction and assault in executing the warrant as in service of other process.

32 **12-6-7.1. Service of arrest warrants.** -- (a) Whenever any judge of any court shall issue  
33 his or her warrant against any person for failure to appear or comply with a court order, or for  
34 failure to make payment of a court ordered fine, civil assessment, or order of restitution, the judge

1 may direct the warrant to each and all ~~sheriffs and~~ deputy sheriffs, the warrant squad, or any  
2 peace officer as defined in section 12-7-21, requiring them to apprehend the person and bring him  
3 or her before the court to be dealt with according to law; and the officers shall obey and execute  
4 the warrant, and be protected from obstruction and assault in executing the warrant as in service  
5 of other process. The person apprehended shall, in addition to any other costs incurred by him or  
6 her, be ordered to pay a fee for service of this warrant in the sum of one hundred twenty-five  
7 dollars (\$125). Twenty-five dollars (\$25.00) of the above fee collected as a result of a warrant  
8 squad arrest shall be divided among the local law enforcement agencies assigned to the warrant  
9 squad. Any person apprehended on a warrant for failure to appear for a cost review hearing in the  
10 superior court may be released upon posting with a justice of the peace the full amount due and  
11 owing in court costs as described in the warrant or bail in an other amount or form that will  
12 ensure the defendant's appearance in the superior court at an ability to pay hearing, in addition to  
13 the one hundred twenty-five dollars (\$125) warrant assessment fee described above. Any person  
14 detained as a result of the actions of the justice of the peace in acting upon the superior court cost  
15 warrant shall be brought before the superior court at its next session. Such monies shall be  
16 delivered by the justice of the peace to the court issuing the warrant on the next court business  
17 day.

18 (b) Any person arrested pursuant to a warrant issued by a municipal court may be  
19 presented to a judge of the district court, or a justice of the peace authorized to issue warrants  
20 pursuant to section 12-10-2, for release on personal recognizance or bail when the municipal  
21 court is not in session. The provisions of this section shall apply only to criminal and not civil  
22 cases pending before the courts.

23 (c) Any person arrested pursuant to a warrant issued hereunder shall:

24 (1) be immediately brought before the court;

25 (2) if the court is not in session then the person shall be brought before the court at its  
26 next session;

27 (3) be afforded a review hearing on his/her ability to pay within forty-eight (48) hours;

28 and

29 (4) if the court is not in session at the time of the arrest, a review hearing on his/her  
30 ability to pay will be provided at the time for the first court appearance, as set forth in subsection  
31 (c)(3) of this section.

32 SECTION 44. Section 12-13-2 of the General Laws in Chapter 12-13 entitled "Bail and  
33 Recognizance" is hereby amended to read as follows:

34 **12-13-2. Warrant for apprehension of accused person.** -- Any court before which an

1 indictment or information shall be found or be pending, and any court before which a complaint  
2 shall be made or be pending, against any person for an offense of which the court has cognizance,  
3 may issue a warrant directed to each and all ~~sheriffs~~, deputy sheriffs, town sergeants, and  
4 constables within the state requiring them to apprehend the person and bring him or her before the  
5 court, if the court is in session, or if not, to commit him or her to jail in the county in which the  
6 indictment, information, or complaint is pending, there to be kept until he or she shall be brought  
7 before the court, or until he or she shall give recognizance before some person authorized to take  
8 recognizance for the offense, with sufficient surety or sureties in the sum named in the warrant, if  
9 any sum is named in the warrant, and, if not, in the sum as the person taking the recognizance  
10 shall deem reasonable if the offense is bailable, to appear before the court in which the  
11 indictment, information, or complaint is pending, at the time required by the person so taking the  
12 recognizance, and to answer the indictment, information, or complaint; provided, that the prisoner  
13 may give the recognizance while in the custody of the officer before he or she is committed to jail  
14 before some person authorized to take recognizance for the offense, and upon taking  
15 recognizance the officer shall discharge the prisoner from his or her custody. The officers to  
16 whom the warrant shall be directed are required to obey and execute it, and in its execution shall  
17 be protected from obstruction and assault, as in the service of other process.

18 SECTION 45. Sections 12-19-25 and 12-19-27 of the General Laws in Chapter 12-19  
19 entitled "Sentence and Execution" are hereby amended to read as follows:

20 **12-19-25. Warrant for commitment to institutions.** -- Whenever any person shall be  
21 sentenced to imprisonment, the clerk of the court passing the sentence shall immediately issue a  
22 warrant, under the seal of the court, directed to ~~the sheriff or the sheriff's deputy of the county in~~  
23 ~~which the court is held~~ the division of sheriffs, reciting the sentence and requiring ~~the sheriff or~~  
24 ~~the sheriff's deputy~~ a deputy sheriff to take the person and deliver to the warden of the adult  
25 correctional institutions and the warden to receive the person into his or her custody and safely  
26 keep him or her in the institutions during the term specified in the sentence, and the warrant shall  
27 constitute the officer charged with it, while he or she has it in his or her possession for service, an  
28 officer in any county in this state into which it may be necessary for him or her to go, to all  
29 intents and purposes whatsoever.

30 **12-19-27. Commitment to training school for youth.** -- Whenever any person shall be  
31 sentenced to imprisonment in the state training school for youth, the court passing the sentence  
32 shall immediately issue a warrant, under the seal of the court, directed to ~~the sheriff or the sheriff~~  
33 ~~'s deputy of the county~~ the division of sheriffs, or to any town sergeant or constable of any county  
34 in which the court is held, reciting the sentence and requiring ~~the sheriff or deputy~~ a deputy

1 [sheriff](#), town sergeant, or constable to take the person so sentenced and deliver him or her to the  
2 superintendent of the training school, and the warrant shall constitute the officer charged with it,  
3 while he or she has the warrant in his or her possession for service, an officer in any county in  
4 this state into which it may be necessary for him to go, to all intents and purposes whatsoever.

5 SECTION 46. Section 12-20-4 of the General Laws in Chapter 12-20 entitled "Costs" is  
6 hereby amended to read as follows:

7 **12-20-4. Sheriff's fees on scire facias.** -- The fees chargeable by ~~sheriffs and~~ deputy  
8 sheriffs for serving writs and executions in scire facias against bail in criminal cases shall be the  
9 same as provided for similar service of writs and executions in civil cases.

10 SECTION 47. Section 12-21-23 of the General Laws in Chapter 12-21 entitled  
11 "Recovery of Fines, Penalties, and Forfeitures" is hereby amended to read as follows:

12 **12-21-23. Seizure and retention of forfeited property.** -- Whenever any personal  
13 property shall be forfeited for any violation of law, any ~~sheriff~~, deputy sheriff, town sergeant, or  
14 constable ~~within his or her precinct~~, or any person by law authorized to seize the property, may  
15 take and retain the property until he or she shall deliver it to a proper officer having a warrant to  
16 take and detain the property.

17 SECTION 48. Section 15-15-4.1 of the General Laws in Chapter 15-15 entitled  
18 "Domestic Abuse Prevention" is hereby amended to read as follows:

19 **15-15-4.1. Return of service/alternate service.** -- (a) The complaint and any order  
20 issued under this chapter shall be personally served upon the defendant by a ~~sheriff~~ [member of](#)  
21 [the division of sheriffs](#) except as provided in subsections (c), (d) and (f) of this section. Service  
22 shall be made without payment of any fee when service is made by a [deputy](#) sheriff. At the  
23 election of the plaintiff, service, pursuant to the subsection, may also be made by a constable  
24 authorized to serve process of the family court pursuant to section 45-16-4.3. The constable shall  
25 be entitled to receive the fee allowed by law for the service of a family court summons. Where  
26 the defendant is a minor, the complaint and any order issued under this chapter shall also be  
27 personally served upon a parent or guardian of the minor.

28 (b) Return of service shall be forwarded by the [deputy](#) sheriff or constable to the clerk of  
29 court prior to the date set down for a hearing on the complaint. If service has not been made, the  
30 [deputy](#) sheriff or constable shall indicate on the summons the reason and the attempts made to  
31 serve the defendant.

32 (c) At the time the return of service is sent to the clerk of the court, the [deputy](#) sheriff or  
33 constable shall cause a copy of the return of service to be sent to the plaintiff and to the  
34 appropriate law enforcement agency.

1 (d) If, at the time of the hearing on the complaint, the court determines that after diligent  
2 effort the deputy sheriff or constable has been unable to serve the defendant personally, the judge  
3 may order an alternate method of service designed to give reasonable notice of the action to the  
4 defendant and taking into consideration the plaintiff's ability to afford the means of service  
5 ordered. Alternative service shall include, but not be limited to: service by certified and regular  
6 mail at defendant's last known address (excluding the residence which he or she has been ordered  
7 to vacate) or place of employment, leaving copies at the defendant's dwelling or usual place of  
8 abode with a person of suitable age and discretion residing at the defendant's dwelling or usual  
9 place of abode, or by publication in a newspaper for two (2) consecutive weeks. The court shall  
10 set a new date for the hearing on the complaint and shall extend the temporary order until that  
11 date.

12 (e) If the defendant appears in person before the court, the necessity for further service is  
13 waived and proof of service of that order is not necessary.

14 (f) If the defendant is served notice regarding the complaint and hearing, but does not  
15 appear at the hearing, the clerk of the family court will mail the defendant a copy of the resulting  
16 order.

17 SECTION 49. Section 19-26-13 of the General Laws in Chapter 19-26 entitled  
18 "Pawnbrokers" is hereby amended to read as follows:

19 **19-26-13. Search of premises on warrant.** -- Whenever complaint shall be made by any  
20 person, on oath to a judge, that any property belonging to that person has been lodged or pledged  
21 without his or her consent with any pawnbroker and that the complainant believes the property to  
22 be in some house or place within the county where the complaint is made, the judge shall, if  
23 satisfied of the reasonableness of that belief, issue a warrant directed to the ~~sheriff, the sheriff's~~  
24 ~~deputy~~ division of sheriffs, or to either of the town sergeants or constables in the county,  
25 commanding them to search for the property alleged to have been so lodged or pledged and to  
26 seize and bring the property before the division of the district court. The warrant shall be issued  
27 and served as search warrants are now by law required to be issued and served.

28 SECTION 50. Section 20-13-8 of the General Laws in Chapter 20-13 entitled "Hunting  
29 and Hunting Safety" is hereby amended to read as follows:

30 **20-13-8. Loaded weapons in vehicles.** -- It is unlawful for any person to have in his or  
31 her possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which  
32 all shells and cartridges have not been removed, in or on any vehicle or conveyance or its  
33 attachments while upon or along any public highway, road, lane, or trail within this state;  
34 provided, however, that the provisions of this section shall not apply to ~~sheriffs,~~ deputy sheriffs,

1 the superintendent and members of the state police, prison or jail wardens or their deputies,  
2 members of the city or town police force, or other duly appointed law enforcement officers  
3 including conservation officers and park police, nor to members of the army, navy, air force, and  
4 marine corps of the United States, the national guard or organized reserves, when on duty, or  
5 officers or employees of the United States authorized by law to carry a concealed firearm, nor to  
6 any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the  
7 performance of his or her official duties under the authority of the commanding officer of the  
8 military establishment in the state of Rhode Island where he or she is employed by the United  
9 States.

10 SECTION 51. Section 22-4-1 of the General Laws in Chapter 22-4 entitled "Exemptions  
11 and Liabilities of Members" is hereby amended to read as follows:

12 **22-4-1. Warrants to compel attendance.** -- The attendance of senators elect and  
13 representatives elect, and of senators and representatives, may be compelled by warrant for that  
14 purpose under the hand of the presiding officer for the time being of the senate or house of  
15 representatives, as the case may be, directed to any ~~sheriff or~~ deputy sheriff, which warrant may  
16 be executed by that officer in any county.

17 SECTION 52. Section 22-6-1 of the General Laws in Chapter 22-6 entitled "Committees  
18 and Staff" is hereby amended to read as follows:

19 **22-6-1. ~~Sheriffs and deputies in attendance~~ Deputy sheriffs in attendance.** -- The  
20 number of deputy sheriffs ~~or their deputies~~ who shall attend upon the general assembly, at any  
21 session of it, shall not exceed three (3) in both chambers, unless by special order of the general  
22 assembly.

23 SECTION 53. Section 24-12-13 of the General Laws in Chapter 24-12 entitled "Rhode  
24 Island Turnpike and Bridge Authority" is hereby amended to read as follows:

25 **24-12-13. Deposits in court on eminent domain -- Notice to owners -- Agreement as**  
26 **to price.** -- No sum paid into the court as provided in section 24-12-12 shall be charged with  
27 clerk's fees of any nature. After the filing of the copy, plat, and statement, notice of the taking of  
28 the land, or interest therein, shall be served upon the owners of and persons having an estate in  
29 and interested in the land by ~~the sheriff or the sheriff's deputies of the county in which the land, or~~  
30 ~~interest therein, lies~~ a member of the division of sheriffs, leaving a true and attested copy of the  
31 description and statement with each of the persons personally, or at their last and usual place of  
32 abode in this state with some person living there, and in case any of the persons are absent from  
33 this state and have no last and usual place of abode therein occupied by any person, the copy shall  
34 be left with the persons, if any, in charge of or having possession of the land, or interest therein,

1 taken of the absent persons if the same are known to the officer; and after the filing of the  
2 resolution, plat and statement, the secretary of the authority shall cause a copy of the resolution  
3 and statement to be published in some newspaper published in the county where the land, or  
4 interest therein, may be located, at least once a week for three (3) successive weeks. If any person  
5 shall agree with the authority for the price of the land, or interest therein, so taken, the court upon  
6 the application of the parties in interest, may order that the sum agreed upon be paid immediately  
7 from the money deposited, as the just compensation to be awarded in the proceeding.

8 SECTION 54. Section 28-2-8 of the General Laws in Chapter 28-2 entitled "Duty of Law  
9 Enforcement Officers" is hereby amended to read as follows:

10 **28-2-8. Duty of law enforcement officers to seek unemployed persons.** -- After the  
11 issuance of the proclamation in section 28-2-1, it shall be the duty of ~~the sheriffs and deputy~~  
12 ~~sheriffs of the respective counties~~ a member of the division of sheriffs and of any other officer,  
13 state, county, or municipality charged with enforcing the law, to seek and continue to seek  
14 diligently the names and places of residence of able-bodied male persons within their respective  
15 jurisdictions between the ages of eighteen (18) and fifty (50) not regularly or continuously  
16 employed.

17 SECTION 55. Section 28-10-6 of the General Laws in Chapter 28-10 entitled "Labor  
18 Disputes" is hereby amended to read as follows:

19 **28-10-6. "Person" defined.** -- Whenever used in sections 28-10-7 and 28-10-8, the word  
20 "person" means any individual, firm, association, corporation, or law enforcement agency,  
21 provided, that the word does not include any member of a city or town police department, any  
22 member of the division of state police, ~~any sheriff or~~ deputy sheriff, or any member of the militia  
23 of this state while acting in the course of duty and under the direction and order of any superior  
24 officer.

25 SECTION 56. Sections 28-14-26, 28-14-27 and 28-14-29 of the General Laws in Chapter  
26 28-14 entitled "Payment of Wages" are hereby amended to read as follows:

27 **28-14-26. Service of process.** -- Any ~~sheriff or~~ deputy sheriff requested by the director to  
28 serve summons, writs, complaints, orders, including any garnishment papers and all necessary  
29 and legal papers, ~~within his or her jurisdiction,~~ shall do so without requiring the director to  
30 advance the fees or furnish any security or bond.

31 **28-14-27. Attachment of property.** -- Whenever the director requires ~~the sheriff or a~~  
32 deputy sheriff whose duty it is to seize property or levy on property in any attachment  
33 proceedings to satisfy any wage claim judgment to perform any duty, the officer shall do so  
34 without requiring the director to furnish any security or bond in the action, and the officer in



1 carrying out the provisions of this section shall not be responsible in damages for any wrongful  
2 seizure made in good faith.

3 **28-14-29. Order of payment of fees and claims.** -- Out of any recovery on a judgment  
4 in a suit there shall be paid:

- 5 (1) First, the garnishee's and witness fees;
- 6 (2) Second, the wage claims involved;
- 7 (3) Third, the ~~sheriff's or~~ deputy sheriff's fees; and
- 8 (4) Fourth, the court costs.

9 SECTION 57. Section 30-1-7 of the General Laws in Chapter 30-1 entitled "Militia" is  
10 hereby amended to read as follows:

11 **30-1-7. Persons exempt.** -- The following persons shall be exempt from militia duty:

- 12 (1) Persons exempt from militia duty by the laws of the United States;
- 13 (2) Persons who have held the office of governor or lieutenant-governor of the state; and
- 14 (3) Persons of the following description, so long as they shall remain of the description:
  - 15 (A) The lieutenant-governor;
  - 16 (B) The secretary of state;
  - 17 (C) The attorney general and the assistant attorneys general;
  - 18 (D) The general treasurer;
  - 19 (E) Director of administration;
  - 20 (F) The budget officer and the controller both of the department of administration;
  - 21 (G) The commissioner of the department of education;
  - 22 (H) The members of both houses of the general assembly and the officers of those  
23 houses;
  - 24 (I) The justices and clerks of courts of record;
  - 25 (J) The recorder of deeds;
  - 26 (K) ~~Sheriffs and deputy~~ Deputy sheriffs;
  - 27 (L) The director of the department of human services;
  - 28 (M) The assistant director of social and rehabilitative services in charge of the  
29 community services division;
  - 30 (N) Mayors of cities;
  - 31 (O) Members of the city and town councils;
  - 32 (P) City and town clerks;
  - 33 (Q) City and town treasurers;
  - 34 (R) Ministers of the gospel;

- 1 (S) Practicing physicians;
- 2 (T) Superintendents, officers and assistants employed in or about any of the state
- 3 hospitals, state infirmaries, state reformatories, state prisons, jails or houses of correction;
- 4 (U) Keepers of lighthouses;
- 5 (V) Marine pilots;
- 6 (W) Seamen actually employed on board of any vessel; and
- 7 (X) Active members of fire companies who are part of the active fire department of the
- 8 town or city in which they reside, not exceeding twenty (20) persons to any one company, unless
- 9 otherwise provided by special enactment.

10 SECTION 58. Section 30-9-11 of the General Laws in Chapter 30-9 entitled "Military

11 Property" is hereby amended to read as follows:

12 **30-9-11. Search warrant.** -- Any court of the state empowered to issue search warrants,

13 on complaint on oath made to it by the adjutant general, by any commissioned officer authorized

14 by the adjutant general, or by, any commanding officer of any organization, unit, or separate

15 detachment of the national guard, that any arms, ammunition, uniforms, equipment, supplies, or

16 other military property of the state or for which the state is responsible is unlawfully being

17 withheld by any person within the jurisdiction of the court, and where the military property is

18 believed to be in a particular place specified in the complaint, shall issue to any ~~sheriff~~, deputy

19 sheriff, town sergeant, member of any municipal or state police, or constable a warrant in the

20 nature of a search warrant, commanding him or her in the name of the state diligently to search

21 the house or place described therein, in the daytime and upon the finding of the military property

22 the court issuing the warrant shall order the property to be delivered to the officer making the

23 complaint.

24 SECTION 59. Section 30-13-126 of the General Laws in Chapter 30-13 entitled "Rhode

25 Island Code of Military Justice" is hereby amended to read as follows:

26 **30-13-126. Execution of processes and sentences.** -- In addition to the officers

27 prescribed under the laws and regulations of the United States and in section 30-13-127(b), all

28 processes and sentences of the military courts of the state military forces shall be directed to and

29 executed by any ~~sheriff or~~ deputy sheriff, town sergeant, constable, member of the state police, or

30 member of the police department of any municipality, or any officer or enlisted person of the

31 state military forces appointed by the court to serve or execute processes and sentences.

32 SECTION 60. Section 31-1-21 of the General Laws in Chapter 31-1 entitled "Definitions

33 and General Code Provisions" is hereby amended to read as follows:

34 **31-1-21. Enforcement officers.** -- (a) "Police Officer" means every officer authorized to

1 direct or regulate traffic or to make arrests for violations of traffic regulations or the administrator  
2 of the division of motor vehicles and up to five (5) subordinates designated by the administrator  
3 under the provisions of section 31-2-3.

4 (b) "Proper Officer" means for the purposes of chapters 1 -- 50 of this title, any member  
5 of the state or municipal police, ~~sheriff or~~ deputy sheriff, city or town sergeant, the administrator  
6 of the division of motor vehicles, or any subordinate appointed by the administrator of the  
7 division of motor vehicles under the provisions of section 31-2-3.

8 SECTION 61. Section 32-2-11 of the General Laws in Chapter 32-2 entitled  
9 "Metropolitan Park District" is hereby amended to read as follows:

10 **32-2-11. Powers of park police.** -- All full time park policemen assigned to the division  
11 of enforcement within the department of environmental management, including the chief of the  
12 division and the chief of the metropolitan park police, shall have and may exercise, on any  
13 property under the jurisdiction of the department of environmental management, with regard to  
14 the enforcement of the criminal laws and all rules and regulations of the department of  
15 environmental management, all the powers of ~~sheriffs,~~ deputy sheriffs, town police officers, and  
16 constables, provided, however, that when any person is suspected of having committed a felony,  
17 the superintendent of state police, as he or she shall so require, shall be notified.

18 SECTION 62. Section 32-3-1 of the General Laws in Chapter 32-3 entitled "Town  
19 Forests, Parks, and Recreation Systems" is hereby amended to read as follows:

20 **32-3-1. Local regulations -- Prosecution of violations.** -- Town councils and city  
21 councils may pass such ordinances, by-laws, and regulations as they may think proper in relation  
22 to the care, management, and use of the public parks, squares, or grounds within the limits of  
23 their respective towns or cities, and may prescribe punishment for the violation thereof by a fine  
24 not exceeding twenty dollars (\$20.00) or by imprisonment not exceeding ten (10) days for each  
25 offense. Every ~~sheriff,~~ deputy sheriff, town sergeant, constable, or police officer, or any officer  
26 authorized to serve criminal process, may arrest without a warrant any person who does any  
27 criminal act or ~~wilfully~~ willfully violates any of those ordinances, bylaw, or regulation in any of  
28 those public parks, squares or grounds, and may detain that person until a complaint can be made  
29 against him or her, and he or she can be taken upon a warrant issued upon that complaint;  
30 provided, that the arrest and detention without a warrant shall not continue longer than the space  
31 of six (6) hours when the arrest is made between the hours of 4 o'clock in the morning (4:00 a.m.)  
32 and 8 o'clock in the evening (8:00 p.m.), and when made at any other hour, the person arrested  
33 shall not be detained after 10 o'clock in the morning (10:00 a.m.) of the following day.

34 SECTION 63. Section 33-22-12 of the General Laws in Chapter 33-22 entitled "Practice

1 in Probate Courts" is hereby amended to read as follows:

2 **33-22-12. Notice by service or mail.** -- Notice may also be given, in addition to the  
3 foregoing, in any one of the following modes:

4 (1) By causing a citation to be served, if within this state, by a ~~sheriff~~, deputy sheriff,  
5 town sergeant, or constable, and, if outside the state, by some disinterested person, upon all  
6 known parties interested, at least seven (7) days before proceeding. The citation shall give notice  
7 of the subject matter of the proceeding and of the time and place thereof, and shall be served by  
8 reading the citation to each of the parties or by leaving an attested copy of the citation with him or  
9 her or at his or her last and usual place of abode with some person living there. If service is made  
10 outside the state, the person making the service shall make return under oath of the manner in  
11 which, the time when, and the place where service was made.

12 (2) By mailing notice to all persons interested whose post office addresses are known.

13 SECTION 64. Sections 34-14-5 and 34-14-6 of the General Laws in Chapter 34-14  
14 entitled "Waste and Estrepeement" are hereby amended to read as follows:

15 **34-14-5. Issuance of writ of estrepeement.** -- The superior court for any county, on the  
16 application of the plaintiff, in an action for ejectment, partition, or waste, may issue a writ of  
17 estrepeement, under the provisions following, directed to the ~~sheriff or to the sheriff's deputies in~~  
18 ~~the county in which the estate in question shall be~~ division of sheriffs, requiring the deputy sheriff  
19 to stay all the waste on the estate that shall be described in the writ of estrepeement.

20 **34-14-6. Power of sheriff to stay waste.** -- The ~~sheriff or the sheriff's deputy~~ members of  
21 the division of sheriffs, charged with the service of a writ of estrepeement, shall have power to stay  
22 all waste, as shall be directed in the writ, and to take such aid as shall be necessary for that  
23 purpose.

24 SECTION 65. Sections 34-18-10, 34-18-48 and 34-18-50 of the General Laws in Chapter  
25 34-18 entitled "Residential Landlord and Tenant Act" are hereby amended to read as follows:

26 **34-18-10. Service of process for actions pursuant to chapter.** -- (a) (1) In actions for  
27 nonpayment of rent, the summons for eviction for nonpayment of rent shall be in the form  
28 provided in section 34-18-56(g). At the time of filing of the complaint, the clerk shall mark the  
29 date of hearing upon the summons, which shall be the ninth (9th) day after filing of the  
30 complaint, or the first court day following the ninth (9th) day. For the purposes of this section  
31 only, the time of filing of the complaint shall be the date upon which the clerk assigns a case  
32 number to the action and the filing fee is paid to the clerk. On the same day that the complaint is  
33 filed, the plaintiff's attorney or, if pro se, the plaintiff, or if more than one, the person filing the  
34 complaint shall mail a copy of the summons and complaint and a blank answer form as provided

1 in section 34-18-56(j) by first class mail, to the defendant, shall complete the proof of service on  
2 a copy of the original summons and file the completed proof of service in the appropriate court.  
3 The clerk shall note on the docket the mailing date of the summons and complaint, and shall  
4 complete the proof of service on the original summons. The plaintiff shall deliver the original  
5 summons and a copy thereof, together with a copy of the complaint and a blank answer form to  
6 the ~~sheriff~~ [division of sheriffs](#) or any constable of the county in which the appropriate court is  
7 located. The officer receiving the copies shall serve them by:

- 8 (i) Handing them to the defendant; or
- 9 (ii) Serving them at the defendant's dwelling unit to a person of suitable age and  
10 discretion then residing therein; or
- 11 (iii) If none be found, by posting them conspicuously on the door to defendant's dwelling  
12 unit.

13 (2) The [deputy](#) sheriff or constable serving the summons and complaint shall make proof  
14 of service on the original summons and shall file it with the clerk of the appropriate court at or  
15 before the time of the hearing. The proof of service shall show the manner and the day, hour, and  
16 place of service, and shall show that the defendant was served no less than five (5) days before  
17 the hearing.

18 (b) In all actions pursuant to this chapter other than for nonpayment of rent, the  
19 procedure shall be as follows:

20 (1) The summons for eviction actions pursuant to sections 34-18-36 and 34-18-38 shall  
21 be in the form provided in section 34-18-56(h). A blank answer, in the form provided in section  
22 34-18-56(j) shall be served together with this summons.

23 (2) The summons in all other actions pursuant to this chapter shall be in the form  
24 provided in section 34-18-56(i). Service shall be made pursuant to Rule 4 of the district court  
25 civil rules, or other appropriate rule of court.

26 (c) If a landlord or tenant is not a resident of this state or is a corporation not authorized  
27 to do business in this state and engages in any conduct in this state governed by this chapter, or  
28 engages in a transaction subject to this chapter, he or she may designate an agent upon whom  
29 service of process may be made in this state. The agent shall be a resident of this state or a  
30 corporation authorized to do business in this state. The designation shall be in writing and filed  
31 with the secretary of state. If no designation is made and filed or if the process cannot be served  
32 in this state upon the designated agent, process may be served upon the secretary of state, but  
33 service upon the secretary of state is not effective unless the plaintiff or petitioner forthwith mails  
34 a copy of the process and pleading by registered or certified mail to the defendant or respondent

1 at his or her last reasonably ascertainable address. An affidavit of compliance with this subsection  
2 shall be filed with the clerk of the court on or before the return day of the process, if any, or  
3 within any further time the court allows.

4 (d) If at time of hearing it appears that the clerk failed to provide mail service as required  
5 by subsection (a), or that the mailed service was undeliverable, service shall nevertheless be  
6 deemed complete if proof of service reflects that service was accomplished in accordance with  
7 subsection (a)(1)(i) or (ii) of this section. If mailed service was defective and the tenant was  
8 prejudiced by shorter notice of the hearing, the tenant may seek the benefits of section 34-18-  
9 35(d) for late filing of discovery, if justice requires.

10 **34-18-48. Execution.** -- If no appeal is claimed, and if the judgment has not been  
11 satisfied, execution shall be issued on the sixth (6th) day following judgment. Executions shall be  
12 issued only to the ~~sheriff or constable of the county where the premises are situated~~ [division of](#)  
13 [sheriffs](#). Every execution issued by any district court pursuant to this chapter shall continue in full  
14 force and effect for one year after the date thereof, and be returnable to the district court which  
15 issued it in accordance with the provisions of section 9-25-21. All costs including reasonable  
16 moving costs incurred by the ~~sheriff~~ [division of sheriffs](#) or constable in carrying out the mandates  
17 of the execution may be added to the execution by the clerk upon approval of the court upon  
18 presentment of evidence of the costs.

19 **34-18-50. Payment of moving costs required.** -- Whenever the personal property of any  
20 tenant is removed from the premises the tenant occupies by mandate of an execution from the  
21 court of competent jurisdiction, the tenant shall pay the entire amount of the cost of moving the  
22 personal property and any prepaid storage charges to the ~~sheriff~~ [division of sheriffs](#), constable, or  
23 other person who lawfully caused the personal property to be so moved before the personal  
24 property can be released to the tenant by the person, firm, partnership, company, association, or  
25 corporation having lawful possession of the property. Further, the ~~sheriff~~ [division of sheriffs](#),  
26 constable, or other person who lawfully caused the personal property to be so moved shall  
27 prepare and deliver a release in writing stating that the costs of moving and any prepaid storage  
28 charges have been paid in full and authorizing the release of the personal property to the tenant.  
29 This amount shall be paid to the landlord as reimbursement for the costs of removing the personal  
30 property.

31 SECTION 66. Section 34-18.1-9 of the General Laws in Chapter 34-18.1 entitled  
32 "Commercial Leasing and Other Estates" is hereby amended to read as follows:

33 **34-18.1-9. Delinquency in rent -- Repossession by ejectment -- Judgment.** -- (a) All  
34 suits for possession of lands, buildings or parts of buildings covered by this chapter shall be by

1 the ordinary process of actions for possession or otherwise as provided by law.

2 (b) (1) If, in any case of a letting covered by this chapter, whether by writing or parol,  
3 the stipulated rent, or any part of the same, be due and in arrear for a period of fifteen (15) days,  
4 whether demanded or not, the landlord or reversioner wishing to repossess him or herself of the  
5 lands, building or parts of buildings let, or recover possession of the same from the tenant, or any  
6 person holding under him or her, shall, without the necessity of notice, institute a trespass and  
7 action for possession in the district court where the premises are situated, and in this action the  
8 court may award a plaintiff judgment for possession and for all rent due plus costs.

9 (2) For cause shown the justice of the district court may issue a special order providing  
10 for the method of service of process upon the defendant.

11 (3) Answer to the summons and complaint shall be made within seven (7) days of the  
12 service upon the defendant. The action shall be heard on the next court day following the seven  
13 (7) day period, and shall take precedence on the calendar. If no answer is filed within the time  
14 prescribed, judgment shall enter forthwith.

15 (4) Any aggrieved party may appeal to the superior court from a judgment of the district  
16 court by claiming such appeal in writing filed with the clerk within forty-eight (48) hours,  
17 exclusive of Sundays and legal holidays, after the judgment is entered.

18 (5) All such court actions shall have precedence on the calendar and shall continue to  
19 have precedence on the calendar on a day-to-day basis until the matter is heard.

20 (c) (1) Executions shall be issued only to the ~~sheriff~~ [division of sheriffs](#) or constable of  
21 the county where the premises are situated and he or she shall execute the mandates therein  
22 contained within twenty (20) days of its issuance. If the ~~sheriff~~ [member of the division of sheriffs](#)  
23 or constable fails to execute the mandates within the prescribed time, the ~~sheriff~~ [member of the](#)  
24 [division of sheriffs](#) or constable shall appear before a justice of the court issuing the execution at  
25 the regular session of the court next following the twenty (20) days to show cause why the  
26 mandates of the execution have not been carried out.

27 (2) All costs, including reasonable moving costs incurred by the ~~sheriff~~ [member of the](#)  
28 [division of sheriffs](#) or constable in carrying out the mandates of the execution may be added to  
29 the execution by the clerk upon approval of the court upon presentment of evidence of the costs.

30 SECTION 67. Section 34-21-3 of the General Laws in Chapter 34-21 entitled "Replevin"  
31 is hereby amended to read as follows:

32 ~~34-21-3. Service of writ where sheriff or deputy is party~~ **Service of writ where**  
33 **deputy is party. --** If any ~~sheriff or~~ deputy sheriff is a party to the suit, then the writ shall be  
34 directed to and served by either of the town sergeants or constables in the county in which the

1 same is to be served.

2 SECTION 68. Section 34-28-15 of the General Laws in Chapter 34-28 entitled  
3 "Mechanics' Liens" is hereby amended to read as follows:

4 **34-28-15. Contents and service of citation to owners and encumbrancers.** -- (a) Every  
5 citation issued under section 34-28-14 shall contain a copy of the complaint and shall be served  
6 on the parties by a ~~sheriff or~~ deputy sheriff or constable at least five (5) days before the return day  
7 of the citation, by leaving an attested copy at the last and usual place of abode of each of the  
8 persons to be cited or by reading the citation in their presence and hearing, if they reside in this  
9 state, otherwise by mailing the citation, by registered or certified mail, to the persons prepaid,  
10 addressed to their last known residence or place of business, and if no residence or place of  
11 business is known, no further service shall be necessary, other than service by advertisement  
12 provided for in section 34-28-14.

13 (b) The citation noted in the aforesaid section shall be in a form established by the  
14 superior court.

15 SECTION 69. Section 34-35-3 of the General Laws in Chapter 34-35 entitled  
16 "Enforcement of Common Law and Contractual Liens" is hereby amended to read as follows:

17 **34-35-3. Service of citation.** -- The citation shall contain the substance of the complaint  
18 and shall be served on the owner by a ~~sheriff or~~ deputy sheriff, at least ten (10) days before the  
19 return day of the citation, by leaving an attested copy at the last and usual place of abode of the  
20 owner, or by reading the same in his or her presence and hearing, if he or she resides in this state.  
21 If the owner resides outside the state, the citation may be served upon him or her in the manner  
22 prescribed by law for service of subpoenas on nonresident defendants.

23 SECTION 70. Sections 35-6-22, 35-6-23, 35-6-24, 35-6-25 and 35-6-31 of the General  
24 Laws in Chapter 35-6 entitled "Accounts and Control" are hereby amended to read as follows:

25 **35-6-22. Forms for costs of summoning state witnesses in criminal cases.** -- The  
26 department of administration, at every session of the superior court, shall provide the ~~sheriff or~~  
27 deputy sheriff, who shall be selected by the attorney general to summon witnesses in criminal  
28 cases before the court in behalf of the state, with suitable books for the certificates of the travel  
29 and attendance of witnesses summoned and attending the court in behalf of the state, and for the  
30 certificates of the fees of officers for summoning the witnesses, and for serving other criminal  
31 process in behalf of the state at each session.

32 **35-6-23. Payment of costs of witnesses in criminal cases.** -- Whenever any witness  
33 shall have been discharged from further attendance at the superior court at a session in any case,  
34 in pursuance of any summons issued in behalf of the state, the ~~sheriff or~~ deputy sheriff, ~~as the~~



1 ~~case may be,~~ shall forthwith obtain the proper certificate of the travel and attendance of the  
2 witness in one of the books, shall pay him or her the amount so certified to be due, from the funds  
3 provided for, shall cause the witness to receipt therefor in the book, all under the proper title of  
4 the case in which the witness shall be summoned, and, under a division of the certificates, shall  
5 indicate whether the witness was summoned before a grand jury or a petit jury. The ~~sheriff or~~  
6 deputy sheriff shall likewise pay all fees due officers, other than him or herself, for serving  
7 criminal process issued by the court in behalf of the state at a session, and, after obtaining proper  
8 certificates and receipts therefor, record in a book, under the proper title of the case and division  
9 thereof to which the fees apply, the items of the fees and the amount received.

10 **35-6-24. Certification of fees for summoning state witnesses. --** The ~~sheriff or~~ deputy  
11 sheriff shall certify in one of the books, under the proper title of the case and the division thereof  
12 to which his or her fees apply, the amount of his or her fees for summoning each witness in behalf  
13 of the state, the number of miles he or she has traveled in making service, and the amount due  
14 him or her therefor, together with the amount and items of all other fees due him or her for  
15 serving other criminal process in behalf of the state, which amount he or she may receive for the  
16 use of the state, after receipting therefor in the book, under the proper title of the case on account  
17 of which the fees are due.

18 **35-6-25. Advance of estimated costs of witnesses before grand jury. --** At or before  
19 the summoning in of any grand jury in any county, and from time to time during any session  
20 thereof, the ~~sheriff or~~ deputy sheriff may estimate the amount of money requisite for the payment  
21 of the witnesses, for the officers' fees for summoning the witnesses, and for service of other  
22 criminal process in behalf of the state at any session, and until a grand jury shall again be  
23 summoned in, and, on the approval of an estimate by the attorney general, the state controller  
24 may, at any time not more than three (3) days before the summoning in of the grand jury, draw  
25 his or her order on the general treasurer in favor of the ~~sheriff or~~ deputy sheriff for the amount of  
26 the estimated fees, and the general treasurer shall pay the order and charge fees to the account of  
27 the judicial expenses of the state.

28 **35-6-31. Accounting for fines and forfeitures by others than clerks and justices. --**  
29 ~~Sheriffs, deputy~~ Deputy sheriffs, jailers, and other persons, except clerks of courts and justices of  
30 district courts, receiving fines, penalties, and forfeitures accruing or belonging to the state, or  
31 costs due or payable into the state treasury, shall account with the department of administration  
32 for the fines, penalties, forfeitures, and costs, as often as may be required by the department.

33 SECTION 71. Sections 36-6-6 and 36-6-7 of the General Laws in Chapter 36-6 entitled  
34 "Salaries and Traveling Expenses" are hereby amended to read as follows:

1           **36-6-6. Salaries in lieu of fees.** -- The salary received from the state by any ~~sheriff~~,  
2 deputy sheriff, clerk of any court, or other officer by whom fees are received as a part of his or  
3 her official duties shall be in full compensation for all services rendered by him or her personally  
4 to the state. That salary shall be in lieu of all fees which he or she or his or her deputies,  
5 assistants, or subordinates are now or were formerly authorized to receive for those services.

6           **36-6-7. Fees turned over to general treasurer.** -- It shall be the duty of any ~~sheriff or~~  
7 deputy sheriff to turn over to the general treasurer at least once each month all fees received by  
8 him or her in his or her official capacity as ~~sheriff or~~ deputy sheriff. It shall be the duty of the  
9 clerks of all district courts and the clerks of all superior courts to turn over to the general treasurer  
10 at least once each month all fees actually collected by them under the laws of the state in their  
11 official capacities as clerks of the several courts, excepting however, all naturalization fees  
12 received by any clerk. In the event that any state official or employee fails for a period of more  
13 than one month to turn over all fees collected by him or her during the previous month, it shall be  
14 the duty of the general treasurer to notify the attorney general who, if he or she is of the opinion  
15 that there has been a dereliction of duty, shall immediately proceed in any proper action of law to  
16 recover the sum due the state.

17           SECTION 72. Section 37-6-15 of the General Laws in Chapter 37-6 entitled "Acquisition  
18 of Land" is hereby amended to read as follows:

19           **37-6-15. Service of notice of condemnation.** -- After the filing of the description, plat,  
20 and statement, a notice of the taking of the land or other real property shall be served upon the  
21 owner and persons having an estate or right in or who are interested in the land or other real  
22 property by any ~~sheriff~~, deputy sheriff, or constable for the county in which the land or other real  
23 property is situated. The officer who shall leave a true and attested copy of the description and  
24 statement with each of the persons personally or at their last and usual place of abode in this state  
25 with some person living there, and in case any of the persons are absent from this state and have  
26 no last and usual place of abode therein occupied by any person, the copy shall be left with the  
27 person or persons, if any, in charge of, or having possession of, the land or other real property  
28 taken of the absent persons, and another copy thereof shall be mailed to the address of the absent  
29 persons, if the same is known to the officer serving the notice.

30           SECTION 73. Section 40.1-5-20 of the General Laws in Chapter 40.1-5 entitled "Mental  
31 Health Law" is hereby amended to read as follows:

32           **40.1-5-20. Exemption from court fees or charges.** -- Any client represented by the  
33 mental health advocate or his or her assistants under the provisions of this chapter shall not be  
34 required to pay any fees to the district, superior, family, or supreme courts or the clerks thereof,

1 or any fees or charges for the services or travel of ~~sheriffs or~~ deputy sheriffs for serving any writ,  
2 citation, subpoena, or other process or for making copies of the writs.

3 SECTION 74. Section 42-28-19 of the General Laws in Chapter 42-28 entitled "State  
4 Police" is hereby amended to read as follows:

5 **42-28-19. Police powers of members -- Fees -- Duties -- Suppression of riots. --**

6 Members of the division shall have and may exercise in any part of the state, with regard to the  
7 enforcement of the criminal laws, all powers of ~~sheriffs,~~ deputy sheriffs, town sergeants, chiefs of  
8 police, police officers, and constables. Any person authorized to issue criminal process may direct  
9 that process to any member of the division. All fees received by members of the division in  
10 connection with the performance of their duties shall be paid to the general treasurer for the use  
11 of the state. It shall be the duty of its members to prevent and detect crime, to apprehend and  
12 assist in the prosecution of offenders, and to assist in the investigation and prosecution of any  
13 criminal matters within the state. The governor may command their services in the suppression of  
14 riots, but they shall not exercise their powers within the limits of any city to suppress rioting  
15 except by direction of the governor and upon the request of the mayor or chief of police of any  
16 city.

17 SECTION 75. Section 42-28.1-1 of the General Laws in Chapter 42-28.1 entitled  
18 "Municipal Police - Incentive Pay" is hereby amended to read as follows:

19 **42-28.1-1. Incentive pay plan. --** There is hereby established an incentive pay program  
20 in accordance with the provisions hereof, offering financial compensation to members of the  
21 state, city, town police departments, ~~sheriffs and~~ deputy sheriffs, ~~members of the Rhode Island~~  
22 ~~marshals' unit,~~ Rhode Island capitol police and the state fire marshal and deputy fire marshals of  
23 the Rhode Island division of fire safety for college education credits in the field of police work.

24 SECTION 76. Section 44-6-8 of the General Laws in Chapter 44-6 entitled "Assessment  
25 and Collection of State Taxes" is hereby amended to read as follows:

26 **44-6-8. Attachment and sale of city or town treasurer's estate. --** The ~~sheriff or~~ deputy  
27 sheriff shall immediately attach and take possession of all the real and personal estate of the city  
28 or town treasurer, and sell it at public auction in the same manner as in the case of a delinquent  
29 collector.

30 SECTION 77. Section 44-20-37 of the General Laws in Chapter 44-20 entitled "Cigarette  
31 Tax" is hereby amended to read as follows:

32 **44-20-37. Seizure and destruction of unstamped cigarettes. --** Any cigarettes found at  
33 any place in this state without stamps affixed as required by this chapter are declared to be  
34 contraband goods and may be seized by the tax administrator, his or her agents, or employees, or

1 by any ~~sheriff~~, deputy sheriff, or police officer when directed by the tax administrator to do so,  
2 without a warrant. Any cigarettes seized under the provisions of this chapter shall be destroyed.  
3 The seizure and/or destruction of any cigarettes under the provisions of this section does not  
4 relieve any person from a fine or other penalty for violation of this chapter.

5 SECTION 78. Any references in any general law, public law, rule or regulation to  
6 “sheriff,” “sheriff’s,” or “sheriffs” shall be deemed to be a reference to a member of the division  
7 of sheriffs within the department of public safety.

8 SECTION 79. 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 -- SHERIFFS

\*\*\*

1           This act would update all sections of the general laws relative to the division of sheriffs  
2 within the department of public safety. This act would abolish the positions of executive high  
3 sheriff and chief deputy sheriff. It would create a division with deputy sheriffs subject to the  
4 supervision of a commanding officer appointed by the director of public safety as well as a rank  
5 structure.

6           This act would take effect upon passage.

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