

2012 -- S 2980

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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

Introduced By: Senator Michael J. McCaffrey

Date Introduced: May 17, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 9.4

4 PUBLIC CORRUPTION AND WHITE COLLAR CRIME UNIT

5 **42-9.4-1. Legislative Findings.** – The general assembly finds and declares that:

6 (1) Government integrity is the backbone of efficient and effective state and municipal
7 governments.

8 (2) Abuse of public trust erodes the public's confidence in public servants, as well as,
9 undermines the ability of government to work toward the public good.

10 (3) Recent and historical cases of the abuse of public trust has had a negative impact on
11 the operation of state and municipal government and the state's economy.

12 (4) All citizens of Rhode Island have the right to open, honest and ethical government.

13 (5) The public needs an advocate to ensure that the policy goals and laws established to
14 protect Rhode Islanders from abuse of the public trust are enforced.

15 (6) In order to provide a safeguard against abuses of the public trust by public servants,
16 the general assembly finds it necessary to establish a public corruption and white collar crime unit
17 within the department of attorney general.

18 **42-9.4-2. Definitions.** – As used in this chapter the following words shall have the
19 following meanings:

1 (1) “Public servant” means:

2 (i) Any full-time or part-time employee(s) in the classified, non-classified and
3 unclassified service of the state or of any city or town within the state, any individuals serving in
4 any appointed state and municipal position, any employee(s) of any public or quasi-public state or
5 municipal board, commission or corporation, and any contractual employee of the state or of any
6 city or town within the state;

7 (ii) Any officer or member of a state or municipal agency as defined in section 36-14-
8 2(8) who is appointed for a term of office specified by the constitution or a statute of this state or
9 a charter or ordinance of any city or town or who is appointed by or through the governing body
10 or highest official of state or municipal government; or

11 (iii) Any person holding any elective public office pursuant to a general or special
12 election.

13 (2) “Abuse of the public trust” means any conduct, criminal or unethical in nature, that
14 deprives the citizens of the state of Rhode Island and its municipalities of a government that
15 operates in furtherance of the public interest.

16 **42-9.4-3. Establishment.** – There shall be established within the department of attorney
17 general a public corruption and white collar crime unit. The unit shall consist of at least an
18 assistant or special assistant attorney general designated by the attorney general. The unit is
19 authorized to perform the following duties as the attorney general may direct, including, but not
20 limited to:

21 (1) Investigate potential cases of abuse of the public trust in accordance with the Rhode
22 Island general laws;

23 (2) Prosecute cases of abuse of the public trust in accordance with the Rhode Island
24 general laws;

25 (3) Cooperate with the United States Attorney’s Office, the Federal Bureau of
26 Investigation, the Rhode Island State Police and the Rhode Island Ethics Commission on
27 investigations and prosecutions related to the abuse of the public trust and/or;

28 (4) Establish a whistleblower hotline for reports of potential violations regarding abuse of
29 the public trust.

30 **42-9.4-4. Whistleblower protections.** – (a) Prohibition against discrimination. No
31 person may discharge, demote, threaten or otherwise discriminate against any person or employee
32 with respect to compensation, terms, conditions or privileges of employment as a reprisal because
33 the person or employee, or any person acting pursuant to the request of the employee, provided or
34 attempted to provide information to the attorney general or his or her designee or other law

1 enforcement entities regarding possible violations of the Rhode Island general laws by public
2 servants.

3 (b) Enforcement. Any person or employee or former employee who believes that he or
4 she has been discharged or discriminated against in violation of subsection 42-9.4-4(a) may file a
5 civil action within three (3) years of the date of discharge or discrimination.

6 (c) Remedies. If the court determines that a violation has occurred, the court may order
7 the person who committed the violation to:

8 (1) Reinstatement of the employee to the employer's former position;

9 (2) Payment of compensatory damages, costs of litigation and attorneys' fees; and/or

10 (3) Take other appropriate actions to remedy any past discrimination.

11 (d) Limitation. The protections of this section shall not apply to any person or employee
12 who:

13 (1) Deliberately causes or participates in the alleged violation of law or regulation; or

14 (2) Knowingly or recklessly provides substantially false information to the attorney
15 general or his or her designees.

16 **42-9.4-5. No derogation of attorney general.** – (a) No provision of this chapter shall
17 derogate from the common law or statutory authority of the attorney general nor shall any
18 provision be construed as a limitation on the common law or statutory authority of the attorney
19 general.

20 **42-9.4-6. Severability.** – If any provision or part of this chapter or the application thereof
21 to any person or circumstance is held invalid, the invalidity shall not affect other provisions or
22 applications of the section which can be given effect without the invalid provision or application,
23 and to this end the provisions or parts of this section are severable.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT

1 This act would codify the public corruption and white collar crime unit within the
2 department of attorney general.

3 This act would take effect upon passage.

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