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LC01490/SUB A/2
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF PUBLIC SAFETY

Introduced By: Representative John M. Carnevale

Date Introduced: February 14, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-7.3-3.1 of the General Laws in Chapter 42-7.3 entitled
2 "Department of Public Safety" is hereby repealed.

3 ~~**42-7.3-3.1. Workers' compensation investigations unit -- Powers and duties of**~~
4 ~~**investigators.**~~ (a) There is established a workers' compensation investigations unit, the purpose
5 of which shall be to prevent and detect fraud, abuse, and mismanagement in the expenditure of
6 public funds, relating to any and all state programs and operations by agencies, bureaus,
7 divisions, sections, departments, offices, commissions, institutions and activities of the State of
8 Rhode Island, including those districts, authorities, or political subdivisions created by the general
9 assembly or the governor.

10 ~~(b) The workers' compensation investigations unit shall be under the jurisdiction of the~~
11 ~~commissioner of public safety/superintendent of the state police, and shall consist of a director~~
12 ~~and investigators, who shall be selected and who shall be specially trained to prevent and~~
13 ~~investigate instances of fraud, abuse, and mismanagement in the expenditure of public funds.~~

14 ~~(c) The director shall be a member of the Rhode Island state police with at least the rank~~
15 ~~of sergeant, and shall remain on the personnel rolls of the Rhode Island state police, with the~~
16 ~~same salary and benefits schedule, and shall retain all powers of a member of the Rhode Island~~
17 ~~state police of that rank. The director, with the approval of the superintendent, shall have the~~
18 ~~authority to appoint, the investigators and staff of the office.~~

1 ~~(d) The director and the investigators shall have the following powers:~~

2 ~~(1) To arrest independently or in conjunction with state or federal law enforcement~~
3 ~~agencies;~~

4 ~~(2) To apply for and execute search warrants; and~~

5 ~~(3) To serve civil and criminal process.~~

6 ~~(e) No person shall be appointed as an investigator in the office unless he or she has~~
7 ~~successfully completed the basic course of instruction for police officers at the Providence Police~~
8 ~~Training Academy, the Rhode Island Municipal Police Training Academy, or the Rhode Island~~
9 ~~State Police Training Academy, and has at least three (3) years of active law enforcement~~
10 ~~experience, or has served as a member of the United States Marshal's Service or as a special agent~~
11 ~~of the Federal Bureau of Investigation, a criminal law enforcement agency of the United States~~
12 ~~Department of Justice, the United States Department of State, the United States Department of the~~
13 ~~Treasury or the United States Postal Inspection Service and has at least three (3) years of active~~
14 ~~law enforcement experience, or has been certified as a police officer by the duly constituted state~~
15 ~~commission on police officer standards and training of another state, and has at least three (3)~~
16 ~~years of active law enforcement experience. Prior to the appointment of any qualified individual,~~
17 ~~a background examination shall be conducted utilizing federal, state and local law enforcement~~
18 ~~agencies, bureau of criminal identification, national crime information center, and any and all~~
19 ~~relevant records existing within the federal and state court systems.~~

20 ~~(f) The director and investigators shall be indemnified to the extent provided under~~
21 ~~section 9-31-12 for acts committed within the scope of their employment.~~

22 SECTION 2. Any staff assigned to the workers' compensation investigations unit within
23 the department of public safety at the time of passage of this act shall be transferred to the state
24 employees' workers' compensation unit within the department of administration.

25 SECTION 3. Section 12-7-21 of the General Laws in Chapter 12-7 entitled "Arrest" is
26 hereby amended to read as follows:

27 **12-7-21. "Peace officer" defined.** -- "Peace officer", as used within this chapter, means
28 the following individuals or members of:

- 29 (1) Rhode Island state police;
- 30 (2) Any member of a municipal or local police department;
- 31 (3) Rhode Island airport corporation police;
- 32 (4) Rhode Island park police;
- 33 (5) Rhode Island capitol police;
- 34 (6) Rhode Island conservation officers;

- 1 (7) Rhode Island department of environmental management officers;
- 2 (8) Rhode Island fire marshals;
- 3 (9) Brown University police officers;
- 4 (10) University of Rhode Island campus police officers;
- 5 (11) Rhode Island College campus security;
- 6 (12) Campus security at the Community College of Rhode Island;
- 7 (13) Rhode Island sheriff's department;
- 8 (14) The investigators of the department of attorney general appointed pursuant to
- 9 section 42-9-8.1;
- 10 (15) Any federal law enforcement officer;
- 11 (16) Correctional investigators and correctional officers of the Rhode Island department
- 12 of corrections;
- 13 (17) The witness protection coordinator of the department of attorney general;
- 14 (18) The warden, associate wardens, majors, captains, lieutenants, sergeants, correctional
- 15 officers and investigators employed by a project operated by a municipal detention facility
- 16 corporation, including, but not limited to, the Donald W. Wyatt Detention Facility; provided, such
- 17 parties listed in this subsection (18) herein shall be deemed to be peace officers while in
- 18 performance of their duties for the municipal detention facility only, and shall not be deemed to
- 19 be peace officers at any time when they are not in performance of said duties;
- 20 (19) Retired non-permanent sworn members of any municipal police department shall be
- 21 deemed to be peace officers only while in the performance of their duties for any municipal
- 22 police department, and shall be permitted to carry their firearm while in the performance of their
- 23 duties for the municipal police department, and shall be subject to in-service training
- 24 requirements of title 42, chapter 28;
- 25 ~~(20) Workers' Compensation investigators of the department of public safety appointed~~
- 26 ~~pursuant to section 42-7.3-3.1;~~
- 27 ~~(21)~~(20) Auto theft investigators appointed pursuant to section 31-50-1;
- 28 ~~(22)~~(21) Providence fire department arson investigators; provided, that the arson
- 29 investigator is a graduate of a police-training academy; and
- 30 ~~(23)~~(22) Rhode Island School of Design police officers.

31 SECTION 4. Section 11-47-9 of the General Laws in Chapter 11-47 entitled "Weapons"

32 is hereby amended to read as follows:

33 **11-47-9. Persons exempt from restrictions.** -- The provisions of section 11-47-8 shall

34 not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police,

1 members of the Rhode Island airport police department, members of the Rhode Island state
2 marshals, Rhode Island state fire marshal, chief deputy state fire marshals, deputy state fire
3 marshals assigned to the bomb squad, and those assigned to the investigation unit, correctional
4 officers, all within the department of corrections, members of the city or town police force,
5 capitol police investigators of the department of attorney general appointed pursuant to section
6 42-9-8.1, the witness protection coordinator for the witness protection review board as set forth in
7 chapter 30 of title 12 and subject to the minimum qualifications of section 42-9-8.1, ~~the director,~~
8 ~~assistant director, investigators of the department of public safety Workers' Compensation~~
9 ~~Investigations unit pursuant to section 42-7.3-3.1~~ and automobile theft investigators of the Rhode
10 Island state police pursuant to section 31-50-1, railroad police while traveling to and from official
11 assignments or while on assignments, conservation officers, or other duly appointed law
12 enforcement officers, nor to members of the Army, Navy, Air Force, and Marine Corps of the
13 United States, the National Guard, or organized reserves, when on duty, nor to members of
14 organizations by law authorized to purchase or receive firearms from the United States or this
15 state, provided these members are at or going to or from their places of assembly or target
16 practice, nor to officers or employees of the United States authorized by law to carry a concealed
17 firearm, nor to any civilian guard or criminal investigator carrying sidearms or a concealed
18 firearm in the performance of his or her official duties under the authority of the commanding
19 officer of the military establishment in the state of Rhode Island where he or she is employed by
20 the United States, nor to any civilian guard carrying sidearms or a concealed firearm in the
21 performance of his or her official duties under the authority of the adjutant general where he or
22 she is employed guarding a national guard facility, provided, that the commanding officer of the
23 military establishment shall have on file with the attorney general of this state a list of the names
24 and addresses of all civilian guards and criminal investigators so authorized, nor to duly
25 authorized military organizations when on duty, nor to members when at or going to or from their
26 customary places of assembly, nor to any individual employed in the capacity of warden,
27 associate warden, major, captain, lieutenant, sergeant, correctional officer or investigator at any
28 project owned or operated by a municipal detention facility corporation, including the Donald W.
29 Wyatt Detention Facility, nor to the regular and/or ordinary transportation of pistols or revolvers
30 as merchandise, nor to any person while transporting a pistol, or revolvers, unloaded from the
31 place of purchase to their residence, or place of business, from their residence to their place of
32 business or from their place of business to their residence, or to a Federal Firearms licensee for
33 the purpose of sale, to or from a bona fide gunsmith, or firearms repair facility, to any police
34 station or other location designated as a site of a bona fide "gun buy-back" program but only if

1 said pistol or revolver is unloaded and any ammunition for said pistol or revolver is not readily or
2 directly accessible from the passenger compartment of such vehicle while transporting same and
3 further provided that in the case of a vehicle without a compartment separate from the passenger
4 compartment the firearm or the ammunition shall be stored in a locked container. Persons
5 exempted by the provisions of this section from the provisions of section 11-47-8 shall have the
6 right to carry concealed firearms everywhere within this state; provided, that this shall not be
7 construed as giving the right to carry concealed firearms to a person transporting firearms as
8 merchandise or as household or business goods.

9 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF PUBLIC
SAFETY

1 This act would dissolve the workers' compensation investigation unit as it relates to the
2 Rhode Island State Police and would delete references to the unit in other sections of the general
3 laws.

4 This act would take effect upon passage.

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