

2016 -- H 7422

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO TOWNS AND CITIES -- EMERGENCY POLICE POWER

Introduced By: Representatives Regunberg, Blazejewski, Tobon, and Ajello

Date Introduced: January 29, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-42-1 of the General Laws in Chapter 45-42 entitled "Emergency
2 Police Power" is hereby amended to read as follows:

3 **45-42-1. Emergency police power.** -- (a) When the police chief of a city or town within
4 the state or his or her designee requests emergency police assistance from another [city or town](#)
5 police department within the state, the officers responding to the request shall be subject to the
6 authority of the requesting chief and have the same authority, powers, duties, privileges, and
7 immunities as a duly appointed police officer of the city or town making the request, until the
8 requesting chief of police discharges and releases the assisting police officers to their own [city or](#)
9 [town](#) departments.

10 (b) Law enforcement officers from out-of-state shall have limited emergency police
11 powers to transport, guard and maintain custody of any person who is arrested out of state, but
12 transported to a Rhode Island medical facility for emergency medical treatment. Prior to entry
13 into Rhode Island, the out-of-state police department maintaining custody of said arrested person
14 shall notify the Rhode Island state police of the transport and the site of the emergency medical
15 treatment. The emergency police powers granted shall cease immediately upon the expiration of
16 eight (8) hours from the time of notification, or upon a fugitive-from-justice warrant being
17 executed, whichever shall arise first.

18 SECTION 2. Chapter 45-42 of the General Laws entitled "Emergency Police Power" is
19 hereby amended by adding thereto the following section:

1 **45-42-3. Mutual aid; Campus police officer.** -- (a) Any public or private educational
2 institution of higher learning located in this state, with a police or other public safety department
3 consisting of campus police officers appointed pursuant to chapter 52 of title 16, or special police
4 officers appointed pursuant to chapter 2.1 of title 12, may enter a mutual aid agreement with the
5 city or town in which the institution is primarily located, to provide emergency assistance at the
6 request of the police chief of the city or town.

7 (b) The mutual aid agreement will not be effective until formally approved by the city or
8 town council in which the institution is located, and by the governing body or office of the
9 institution of higher learning.

10 (c) The special police officers responding to a request for emergency assistance pursuant
11 to a duly approved mutual aid agreement shall have the same authority, powers, duties, privileges,
12 and immunities for jurisdictional purposes as a duly appointed police officer of the city or town
13 making the request.

14 (d) The special police officers responding to the request for emergency assistance under
15 the mutual aid agreement shall be subject to, and considered within, the control and authority of
16 the requesting chief of police, for the duration of the emergency and until released by the
17 requesting chief of police.

18 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would amend the provisions of the general laws which regulate emergency
2 police powers to include other municipal police officers as being subject to the authority of the
3 requesting police chief, and would authorize campus police officers and municipal police
4 departments to enter into mutual aid agreements which would allow campus police to respond to
5 requests for assistance within the city or town in which they are located. Any mutual aid
6 agreements would need to be approved by the city or town council prior to entering into the
7 agreement.

8 This act would take effect upon passage.

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