

2023 -- H 5511

LC001337

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS

Introduced By: Representative David J. Place

Date Introduced: February 10, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 12-5 of the General Laws entitled "Search Warrants" is hereby  
2 amended by adding thereto the following section:

3 **12-5-11. Audio and video recording of private property prohibited.**

4 (a) It shall be unlawful for any law enforcement officer or peace officer as defined in § 12-  
5 7-21, to place on the private property of another, any audio or video recording device(s) to capture,  
6 generate, preserve, transmit or otherwise document the activities on that person's property without  
7 their consent or without a valid search warrant issued by a neutral and detached magistrate or judge  
8 upon a finding of probable cause.

9 (b) Any audio or video evidence generated in violation of subsection (a) of this section  
10 shall be inadmissible in any criminal or civil proceeding filed against the property owner and/or  
11 their tenants or guests.

12 SECTION 2. 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 require law enforcement to obtain consent or a warrant before placing audio  
2 or video recorders on the private property of another. A violation of this act would make any  
3 evidence inadmissible in any court proceedings.

4           This act would take effect upon passage.

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