

2023 -- H 5573

LC001735

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR  
ACTIONS -- DEATH BY WRONGFUL ACT

Introduced By: Representatives Perez, Diaz, Lima, P. Morgan, Corvese, Phillips,  
Costantino, Azzinaro, Hull, and Fellela

Date Introduced: February 15, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 10-7-2 of the General Laws in Chapter 10-7 entitled "Death by  
2 Wrongful Act" is hereby amended to read as follows:

3 **10-7-2. Persons who may bring actions — Limitation of actions — Minimum recovery**  
4 **period.**

5 Every action under this chapter, other than one brought under § 10-7-1.2, shall be brought  
6 by and in the name of the executor or administrator of the deceased person, whether appointed or  
7 qualified within or without the state, and of the amount recovered in every action under this chapter  
8 one-half (½) shall go to the husband or widow, and one-half (½) shall go to the children of the  
9 deceased, and if there are no children, the whole shall go to the husband or widow, and, if there is  
10 no husband or widow, to the next of kin, in the proportion provided by law in relation to the  
11 distribution of personal property left by persons dying intestate; except that no person who is  
12 adjudged to be in willful contempt of being in excess of six (6) months in arrears of an order to pay  
13 child support for the deceased individual shall be allowed recovery pursuant to this chapter and a  
14 person so adjudged shall be deemed to have predeceased the child for the purpose of determining  
15 distribution under the intestacy statute. Every action brought under § 10-7-1.2 shall be brought by  
16 and in the name of the person or persons sustaining the loss of society, companionship and/or  
17 consortium and the amount recovered shall go to the person or persons who sustained the loss.  
18 Except as otherwise provided, every action brought pursuant to this chapter shall be commenced

1 within three (3) years after the death of the person. With respect to any death caused by any  
2 wrongful act, neglect or default which is not known at the time of death, the action shall be  
3 commenced within three (3) years of the time that the wrongful act, neglect or default is discovered  
4 or, in the exercise of reasonable diligence, should have been discovered. With respect to any  
5 wrongful act, neglect or default resulting in the death of a child in utero or within six (6) months  
6 after the birth of the child, the action shall be commenced within six (6) years after the death of the  
7 child. Whenever any person or corporation is found liable under §§ 10-7-1 — 10-7-4 he or she or  
8 it shall be liable in damages in the sum of not less than two hundred fifty thousand dollars  
9 (\$250,000).

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

=====  
LC001735  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR  
ACTIONS -- DEATH BY WRONGFUL ACT

\*\*\*

- 1           This act would expand the statute of limitations with respect to any wrongful act resulting  
2 in the death of a child in utero or within six (6) months after the birth of the child, to six (6) years  
3 after the death of the child.  
4           This act would take effect upon passage.

=====  
LC001735  
=====