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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO CRIMINALS --CORRECTIONAL INSTITUTIONS -- PROTECTION
AGAINST RETALIATION ACT

Introduced By: Senator Tiara T. Mack

Date Introduced: March 30, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 13 of the General Laws entitled "CRIMINALS — CORRECTIONAL
2 INSTITUTIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 2.1

4 PROTECTION AGAINST RETALIATION ACT

5 **13-2.1-1. Definitions.**

6 As used in this chapter:

7 (1) "Applicable person" means any person that is currently or has previously been in prison
8 or on probation or parole.

9 (2) "Political speech" means any spoken or written communication that relates specifically
10 to the passage of a law or a municipal, state, or federal election.

11 (3) "Private records" means any records not considered public pursuant to § 38-2-2.

12 (4) "Punishment" means any sanction, punishment, or act of discipline imposed by an
13 employee of the department of corrections including, but not limited to, violation of parole or
14 probation, restricting a previously granted privilege, incarceration, extension of a probation, parole,
15 or prison sentence, sentencing to disciplinary confinement, or reduction of "good time" days in
16 prison.

17 (5) "Threaten" means any action which would make a reasonable person believe that they
18 will be punished for political speech.

1 **13-2.1-2. Retaliation is forbidden.**

2 It is expressly forbidden for any employee of the department of corrections to punish or
3 threaten any applicable person because of political speech, either by taking action solely because
4 of the political speech or by increasing that punishment due to this political speech.

5 **13-2.1-3. Retaliatory release of private information is forbidden.**

6 (a) It is expressly forbidden for any employee of the department of corrections to release
7 private records of any applicable person without written authorization by the department of
8 corrections wholly or partially due to the political speech of that applicable person.

9 (b) Nothing in this section shall be construed to restrict or limit the rights provided in
10 chapter 33 of title 9.

11 **13-2.1-4. Declaratory judgment.**

12 (a) Any person may bring an action for declaratory judgment in the superior court of
13 Providence County, when it is alleged that the department of corrections or an officer thereof failed
14 to perform a duty enjoined upon it by this chapter, or acted in violation of lawful procedure as
15 required by this chapter

16 (b) A declaratory judgment may be rendered whether or not the plaintiff has requested the
17 agency to pass upon the validity or applicability of the rule in question.

18 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 CRIMINALS --CORRECTIONAL INSTITUTIONS -- PROTECTION
AGAINST RETALIATION ACT

1 This act would prohibit any employee of the department of corrections from punishing or
2 threatening any person that is currently or has previously been in prison or on probation or parole
3 because of this person's political speech.

4 This act would take effect upon passage.

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