

2024 -- H 7450

LC004097

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS -- INDICTMENTS,
INFORMATION AND COMPLAINTS -- BILL OF RIGHTS ENHANCEMENT

Introduced By: Representative David J. Place

Date Introduced: February 02, 2024

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. Chapter 12-12 of the General Laws entitled "Indictments, Informations and
13 Complaints" is hereby amended by adding thereto the following section:

14 **12-12-23. Acquittal in another jurisdiction as bar to prosecution.**

15 If a violation of any criminal law is a violation of a federal law or the law of another state,
16 an acquittal under federal law or the law of another state for the same set of facts or acts is a bar to
17 prosecution in this state, unless there exists newly discovered evidence which would substantially
18 indicate that prosecution in this state is warranted.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS -- INDICTMENTS,
INFORMATION AND COMPLAINTS -- BILL OF RIGHTS ENHANCEMENT

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. Additionally, this act would prohibit prosecutions
4 for violations of criminal laws in this state if the violation arises from the same set of facts or acts
5 for which a defendant has been acquitted in federal court or another jurisdiction, unless there exists
6 newly discovered evidence substantially warranting prosecution in this state.

7 This act would take effect upon passage.

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