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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND CIVIL RIGHTS ENFORCEMENT ACT

Introduced By: Representatives Batista, Shanley, and Cruz

Date Introduced: February 15, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 112.1

4 THE RHODE ISLAND CIVIL RIGHTS ENFORCEMENT ACT

5 **42-112.1-1. Short title.**

6 The chapter shall be known and may be cited as the "Rhode Island Civil Rights
7 Enforcement Act".

8 **42-112.1-2. Purpose.**

9 It is the dual purpose of this chapter to ensure that:

10 (1) Consistent with the admonition contained in Article I, Section 5 of the Constitution of
11 Rhode Island, every right shall have a remedy; and

12 (2) As between an innocent party whose rights have been violated by acts and/or omissions
13 of the State of Rhode Island or its political and/or administrative units and/or subdivisions, and/or
14 agents thereof, it is the State of Rhode Island or its political and/or administrative units and/or
15 subdivisions and/or the agents thereof, that shall bear the cost of any harm caused by such violation
16 of rights.

17 **42-112.1-3. Cause of action.**

18 (a) Every person who, under color of any statute, ordinance, regulation, custom or usage

1 of the State of Rhode Island or its political and/or administrative units and/or subdivisions subjects,
2 or causes to be subjected, any resident of the state or other individual within the jurisdiction thereof
3 to the deprivation, in whole or in part, of any rights, privileges or immunities secured by the
4 Constitution of the State of Rhode Island, shall be liable to the party injured in an action at law, suit
5 in equity, and/or other proper proceeding for redress; provided that, nothing herein shall abrogate
6 any existing immunities of any person liable for a violation under this section.

7 (b) The State of Rhode Island or its political and/or administrative units and/or
8 subdivisions, as the case may be, shall be liable for any harm caused to an aggrieved party subjected
9 to the deprivation prohibited under subsection (a) of this section, by an person who causes such a
10 deprivation if said person was acting within the scope of their employment, agency or other
11 authority or color of law conferred by the State of Rhode Island or one of its political and/or
12 administrative units and/or subdivisions; regardless of any immunities from liability or suit that
13 such person may have and regardless of any governmental or sovereign immunities of the State of
14 Rhode Island or any political and/or administrative unit or subdivision thereof, which said
15 immunities are hereby expressly waived as to the State of Rhode Island and its political and/or
16 administrative units and/or subdivisions; provided that, nothing in this chapter abrogates judicial
17 or legislative immunity.

18 (c) A party subjected to a deprivation prohibited under subsection (a) of this section need
19 not identify or include as a party in any action under this chapter solely against the State of Rhode
20 Island or its particular political and/or administrative unit and/or subdivision thereof liable for the
21 deprivation under subsection (b) of this section.

22 **42-112.1-4. Remedies.**

23 (a) An aggrieved party subjected to a deprivation prohibited under this chapter shall be
24 entitled to all the rights and remedies available at law and equity including, but not limited to,
25 declaratory and injunctive relief and/or compensatory damages. Neither the State of Rhode Island
26 nor its political and/or administrative units or subdivisions shall be liable for punitive damages
27 arising out of liability imposed under § 42-112.1-3(b).

28 (b) In any action brought under this chapter, a prevailing aggrieved party subjected to a
29 deprivation prohibited by this chapter shall also be entitled to an award of reasonable attorneys'
30 fees as well as costs and expert witness fees reasonably incurred in bringing the action.

31 (c) An aggrieved party shall be considered prevailing hereunder if that party succeeds, in
32 whole or in part, in obtaining relief for a deprivation prohibited hereunder by bringing an action
33 under this chapter, whether the relief is obtained as a result of judgment, settlement, or the voluntary
34 change in behavior of the State of Rhode Island or its political and/or administrative units or

1 subdivisions after the filing of an action under this chapter.

2 (d) An action under this chapter may be brought in any court of competent jurisdiction
3 within three (3) years from the deprivation prohibited by § 42-112.1-3(b) or from when the
4 aggrieved party knew or should have known of the act and/or omission giving rise to the
5 deprivation, whichever is later in time.

6 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 STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND CIVIL
RIGHTS ENFORCEMENT ACT

1 This act would provide a remedy for any harm caused due to a deprivation or violation of
2 rights by the State of Rhode Island or its political and/or administrative units or subdivisions,
3 secured by the Constitution of the State of Rhode Island.

4 This act would take effect upon passage.

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