

2024 -- H 7830

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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 -- DEPARTMENT OF ATTORNEY
GENERAL

Introduced By: Representatives Morales, Potter, Giraldo, Stewart, and Cruz

Date Introduced: March 01, 2024

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-9 of the General Laws entitled "Department of Attorney General"

2 is hereby amended by adding thereto the following section:

3 **42-9-20. Authority as chief law enforcement officer.**

4 (a) As used in this section:

5 (1) "Fraud" or "fraudulent" means any device, scheme or artifice to defraud and any
6 deception, misrepresentation, concealment, suppression, false pretense, false promise or
7 unconscionable contractual provisions.

8 (2) "Persistent fraud" or "illegality" means continuance or carrying on of any fraudulent or
9 illegal act or conduct.

10 (3) "Repeated" means repetition of any separate and distinct fraudulent or illegal act or
11 conduct which affects more than one person.

12 (b) Whenever any person shall engage in repeated fraudulent or illegal acts, or otherwise
13 demonstrate persistent fraud or illegality in the carrying on, conducting or transaction of business
14 or governmental activity, the attorney general may apply, in the name of the people of the State of
15 Rhode Island, to the superior court of the State of Rhode Island, for an order enjoining the
16 continuance of such fraudulent or illegal acts, and directing restitution, damages, and penalties as
17 set forth in § 6-13.1-8, and, in an appropriate case, cancelling any certificate filed under and by
18 virtue of the provisions of § 7-1.2-201 and the court may award the relief applied for or so much

1 thereof as it may deem proper.

2 (c) In connection with any such application, the attorney general is authorized to take proof
3 and make a determination of the relevant facts and to issue civil investigative demands to any
4 person as defined in §§ 6-13.1-1 or 43-3-6, and in accordance with and subject to the limitations of
5 the rules set forth in § 6-13.1-7. Such authorization may precede any such application and shall not
6 abate or terminate by reason of any action or proceeding brought by the attorney general under this
7 section.

8 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 -- DEPARTMENT OF ATTORNEY
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1 This act would allow the attorney general to investigate and bring an enforcement action
2 against persistent fraud or illegality in the carrying on, conducting, or transaction of business or
3 governmental activity.

4 This act would take effect upon passage.

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