

2019 -- H 5138

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO EDUCATION -- MAINTENANCE OF ORDER ON CAMPUS [SEE TITLE 16
CHAPTER 97 - THE RHODE ISLAND BOARD OF EDUCATION ACT]

Introduced By: Representatives O'Brien, Ucci, Amore, Millea, and Craven

Date Introduced: January 17, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-52-2 of the General Laws in Chapter 16-52 entitled
2 "Maintenance of Order on Campus [See Title 16 Chapter 97 - The Rhode Island Board of
3 Education Act]" is hereby amended to read as follows:

4 **16-52-2. Appointment of campus police.**

5 (a) The board of ~~governors for higher~~ education may appoint one or more persons who
6 may act as police officers upon the property and highways of state colleges and universities
7 subject to the control of the board. The campus police officers shall protect the property of each
8 college or university, suppress nuisances and disturbances and breaches of the peace, and enforce
9 laws and regulations for the preservation of good order. They shall have the same powers and
10 authority as that conferred upon municipal police officers, including the power to arrest persons
11 for violations of state criminal statutes or for violations of city or town ordinances of the city or
12 town in which the institution is located. They shall ~~not~~ carry firearms ~~unless expressly authorized~~
13 ~~by the board of governors~~ subject to the training requirements of this section. Additionally, any
14 campus police officer observing the violation of any rule or regulation of the board adopted
15 pursuant to this chapter, including but not limited to parking and traffic regulations, may issue a
16 summons in the manner and form set forth in § 31-27-12 or § 31-41.1-1 returnable to the district
17 court, the police court of the city or town where the violation occurs, or the traffic tribunal as
18 provided by law.

1 (b) Notwithstanding any other provision of law, all fines and penalties recovered for
2 violation of rules and regulations made under authority of this section shall be accounted for by
3 the appropriate authority, which shall forward all fines or penalties for nonmoving traffic
4 violations to the general treasurer for use by the college or university on whose campus the
5 citation or violation was issued in accordance with § 16-32-27.

6 (c) Campus police and peace officers shall, prior to October 1, 2019, complete a course of
7 firearm instruction as provided by the Rhode Island police officers commission on standards and
8 training, with approval of the commissioner of public safety and shall be subject to in service
9 training requirements of chapter 28 of title 42, the standardized training requirements of § 42-
10 28.2-8.3, and shall be afforded all rights, duties and responsibility of chapter 28.6 of title 42 (
11 "law enforcement officers' bill of rights").

12 (d) The board of education shall adopt rules and regulations for the purposes of
13 implementing the provisions of this chapter.

14 SECTION 2. Section 42-28.6-1 of the General Laws in Chapter 42-28.6 entitled "Law
15 Enforcement Officers' Bill of Rights" is hereby amended to read as follows:

16 **42-28.6-1. Definitions -- Payment of legal fees.**

17 As used in this chapter, the following words have the meanings indicated:

18 (1) "Law enforcement officer" means any permanently employed city or town police
19 officer, state police officer, permanent law enforcement officer of the department of
20 environmental management, campus police officer as set forth in § 16-52-2, or those employees
21 of the airport corporation of Rhode Island who have been granted the authority to arrest by the
22 director of said corporation. However this shall not include the chief of police and/or the highest
23 ranking sworn officer of any of the departments including the director and deputy director of the
24 airport corporation of Rhode Island.

25 (2)(i) "Hearing committee" means a committee which is authorized to hold a hearing on a
26 complaint against a law enforcement officer and which consists of three (3) active or retired law
27 enforcement officers from within the state of Rhode Island, other than chiefs of police, who have
28 had no part in the investigation or interrogation of the law enforcement officer. The committee
29 shall be composed of three (3) members; one member selected by the chief or the highest ranking
30 officer of the law enforcement agency, one member selected by the aggrieved law enforcement
31 officer and the third member shall be selected by the other two (2) members. In the event that the
32 other two (2) members are unable to agree within five (5) days, then either member will make
33 application to the presiding justice of the superior court and the presiding justice shall appoint the
34 third member who shall be an active law enforcement officer. Upon written application by a

1 majority of the hearing committee, the presiding justice, in his or her discretion, may also appoint
2 legal counsel to assist the hearing committee.

3 (ii) The law enforcement agency and the law enforcement officer under investigation
4 shall each be responsible to pay fifty percent (50%) of the legal fee of the appointed legal counsel
5 for the hearing committee; provided, however, that on motion made by either party, the presiding
6 justice shall have the authority to make a different disposition as to what each party is required to
7 pay toward the appointed legal counsel's legal fee.

8 (3) "Hearing" means any meeting in the course of an investigatory proceeding, other than
9 an interrogation at which no testimony is taken under oath, conducted by a hearing committee for
10 the purpose of taking or adducing testimony or receiving evidence.

11 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 EDUCATION -- MAINTENANCE OF ORDER ON CAMPUS [SEE TITLE 16
CHAPTER 97 - THE RHODE ISLAND BOARD OF EDUCATION ACT]

1 This act would mandate arming campus police at public higher educational institutions
2 and would include campus police in the definition of "law enforcement officer" for the purposes
3 of the "Law Enforcement Officers' Bill of Rights."

4 This act would take effect upon passage.

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