



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
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Memorandum

To: The Honorable Steven M. Costantino
Chairman, House Finance Committee

The Honorable Daniel DaPonte
Chairman, Senate Finance Committee

From: Rosemary Booth Gallogly
Executive Director/State Budget Officer

Date: January 5, 2010

Subject: Amendments to Article 8 of FY 2010 Supplemental Appropriations Act

The Governor requests that Article 8 of the FY 2010 revised Appropriations Act, entitled "Relating to Violent Fugitive Task Force" be replaced with the attached version. The revised version changes the name of the task force from the Employment Integrity Unit to the Worker's Compensation Investigations Unit; updates the definition of "peace officer" based on existing and recommended statuses; and revises the powers and duties of the unit. The revised language is indicated by shading.

If you have any questions regarding the amendments to Article 8, please feel free to call me at 222-6300, or Major Stephen M. Bannon of the Department of Public Safety at 444-1004.

RBG:sm 10-01

Attachment

cc: Sharon Reynolds Ferland
Peter Marino
Tim Costa
Michael Cronan
Gregory Stack

ARTICLE 8

RELATING TO ~~STATEWIDE~~ FUGITIVE TASK FORCE

SECTION 1. Section 11-47-9 of the General Laws in Chapter 11-47 entitled "Weapons" is hereby amended to read as follows:

§ 11-47-9 Persons exempt from restrictions. – The provisions of § 11-47-8 shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, members of the Rhode Island airport police department, members of the Rhode Island state marshals, Rhode Island state fire marshal, chief deputy state fire marshals, deputy state fire marshals assigned to the bomb squad, and those assigned to the investigation unit, correctional officers, all within the department of corrections, members of the city or town police force, capitol police investigators of the department of attorney general appointed pursuant to § 42-9-8.1, the witness protection coordinator for the witness protection review board as set forth in chapter 30 of title 12 and subject to the minimum qualifications of § 42-9-8.1, the director, assistant director, ~~and other inspectors and agents at the Rhode Island state fugitive task force appointed pursuant to § 12-6-7.2,~~ investigators of the department of public safety Workers' Compensation Investigations unit pursuant to 42-7.3-3.1 and automobile theft investigators of the Rhode Island state police pursuant to 31-50-1, railroad police while traveling to and from official assignments or while on assignments, conservation officers, or other duly appointed law enforcement officers, nor to members of the Army, Navy, Air Force, and Marine Corps of the United States, the National Guard, or organized reserves, when on duty, nor to members of organizations by law authorized to purchase or receive firearms from the United States or this state, provided these members are at or going to or from their places of assembly or target practice, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his or her official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he or she is employed by the United States, nor to any civilian guard carrying

sidearms or a concealed firearm in the performance of his or her official duties under the authority of the adjutant general where he or she is employed guarding a national guard facility, provided, that the commanding officer of the military establishment shall have on file with the attorney general of this state a list of the names and addresses of all civilian guards and criminal investigators so authorized, nor to duly authorized military organizations when on duty, nor to members when at or going to or from their customary places of assembly, nor to any individual employed in the capacity of warden, associate warden, major, captain, lieutenant, sergeant, correctional officer or investigator at any project owned or operated by a municipal detention facility corporation, including the Donald W. Wyatt Detention Facility, nor to the regular and/or ordinary transportation of pistols or revolvers as merchandise, nor to any person while transporting a pistol, or revolvers, unloaded from the place of purchase to their residence, or place of business, from their residence to their place of business or from their place of business to their residence, or to a Federal Firearms licensee for the purpose of sale, to or from a bona fide gunsmith, or firearms repair facility, to any police station or other location designated as a site of a bona fide "gun buy-back" program but only if said pistol or revolver is unloaded and any ammunition for said pistol or revolver is not readily or directly accessible from the passenger compartment of such vehicle while transporting same and further provided that in the case of a vehicle without a compartment separate from the passenger compartment the firearm or the ammunition shall be stored in a locked container. Persons exempted by the provisions of this section from the provisions of § 11-47-8 shall have the right to carry concealed firearms everywhere within this state; provided, that this shall not be construed as giving the right to carry concealed firearms to a person transporting firearms as merchandise or as household or business goods.

SECTION 2. Section ~~12-6-7.2~~ of the General Laws in Chapter 12-6 entitled "Warrants for Arrest" is hereby repealed.

~~§ 12-6-7.2 Warrant squad.~~ (a) There is established a statewide warrant squad which shall be known as the Rhode Island state fugitive task force, whose purpose is to arrest individuals for whom arrest warrants have been issued and remain outstanding.

(b) The warrant squad shall consist of a director, assistant director, additional members, whose title shall be task force agents, and the sheriffs and police officers that are provided for in this section.

(c) All state, county, local law enforcement and criminal justice agencies may assign personnel to be members of the warrant squad to assist the director or assistant director. All personnel assigned to the warrant squad during their normal work hours shall be paid their regular salary by their respective departments and there shall be no reimbursement for these payments. The warrant squad shall be responsible for supervising the conduct of all law enforcement officers employed by it pursuant to this chapter and the state, and not the city or town, shall be liable for the actions of any municipal police officer which are committed on behalf of and under the direction and supervision of the warrant squad.

(d) Federal, state and local officers assigned to the Rhode Island state fugitive task force as fugitive investigators shall exercise the same authority as the statutory agents appointed under this section as long as the officer is under the direct supervision of the warrant squad. The authorization for local police officers acting under the authority of this statute shall be on file at the office of the Rhode Island state fugitive task force.

(e) The superintendent of the state police shall appoint the director, assistant director, and the members of the warrant squad. The salary of the director and the assistant director shall be set by the department of administration in accordance with chapter 4 of title 36. The fees collected in the amount of one hundred twenty five dollars (\$125) assessed to the arrestee when apprehended and brought to court shall be deposited as general revenues. Each arrestee who has been apprehended shall be assessed the fee in the amount of one hundred twenty five dollars (\$125) in

~~addition to any other court costs imposed. All fees collected shall be deposited as general revenues, and distributed consistent with the provisions of § 12-6-7.1.~~

~~(f) The Providence county sheriff shall make suitable office facilities available to the squad until the state police make suitable space available. The police departments of every city and town and the state police shall make available to the squad temporary detention facilities. All fees collected shall be deposited as general revenues.~~

~~(g) The warrant squad shall be under the authority of, and report to, the superintendent of the state police.~~

~~(h) The statewide warrant squad shall commence on September 1, 1989, and all state and local police, law enforcement and criminal justice agencies shall cooperate with the Rhode Island state fugitive task force in carrying out the provisions of this chapter.~~

~~(i) The Rhode Island state fugitive task force shall adopt and implement standards, policies, and regulations applicable to its scope and purpose of locating and arresting fugitives from justice.~~

~~(j) Persons appointed as director, assistant director, and inspectors must have completed a basic course for police or law enforcement officers at a certified federal (including military), state, or local law enforcement training academy or must document a record of equivalent qualifying experience in an on-the-job training program. Persons appointed to be either director or assistant director, must, in addition to the preceding, have three (3) years of law enforcement experience and three (3) years of law enforcement management or command experience or the equivalent.~~

~~(k) The director, the assistant director, and inspectors and officers assigned on temporary duty to the Rhode Island state fugitive task force may carry firearms, apply for and execute search and arrest warrants and subpoenas, serve summonses, and apply for court or grand jury process, and will have statewide authority to serve warrants to locate and arrest persons who are fugitives or who have failed to appear in state court for violations of Rhode Island general laws or court~~

~~orders or who are fugitives located in Rhode Island from jurisdictions outside the state of Rhode Island, and may make arrests without a warrant in the execution of court orders for any offenses committed in their presence if they have reasonable grounds to believe that the person to be arrested has committed or is committing a crime cognizable under Rhode Island general laws.~~

SECTION 3. Section 12-7-21 of the General Laws in Chapter 12-7 entitled "Arrest" is hereby amended to read as follows:

§ 12-7-21 "Peace officer" defined. – "Peace officer", as used within this chapter, means the following individuals or members of:

- (1) Rhode Island state police;
- (2) Any member of a municipal or local police department;
- ~~(3) Rhode Island marshals;~~
- ~~(4) (3)~~ Rhode Island airport corporation police;
- ~~(5) (4)~~ Rhode Island park police;
- ~~(6) (5)~~ Rhode Island capitol police;
- ~~(7) (6)~~ Rhode Island conservation officers;
- ~~(8) (7)~~ Rhode Island department of environmental management officers;
- ~~(9) (8)~~ Rhode Island fire marshals;
- ~~(10) (9)~~ Brown University police officers;
- ~~(11) (10)~~ University of Rhode Island campus police officers;
- ~~(12) (11)~~ Rhode Island College campus security;
- ~~(13) (12)~~ Campus security at the Community College of Rhode Island;
- ~~(14) (13)~~ Rhode Island sheriff's department;
- ~~(15) Rhode Island drug enforcement officers;~~
- ~~(16) (14)~~ The investigators of the department of attorney general appointed pursuant to § 42-9-8.1;

~~(17) The director, assistant director, and other inspectors and agents of the Rhode Island state fugitive task force appointed pursuant to § 12-6-7.2;~~

~~(18)~~ (15) Any federal law enforcement officer;

~~(19)~~ (16) Correctional investigators and correctional officers of the Rhode Island department of corrections;

~~(20)~~ (17) The witness protection coordinator of the department of attorney general;

~~(21)~~ (18) The warden, associate wardens, majors, captains, lieutenants, sergeants, correctional officers and investigators employed by a project operated by a municipal detention facility corporation, including, but not limited to, the Donald W. Wyatt Detention Facility; provided, such parties listed in this subsection ~~(21)-(18)~~ herein shall be deemed to be peace officers while in performance of their duties for the municipal detention facility only, and shall not be deemed to be peace officers at any time when they are not in performance of said duties; ~~and~~

~~(22)~~ (19) Retired non-permanent sworn members of any municipal police department shall be deemed to be peace officers only while in the performance of their duties for any municipal police department, and shall be permitted to carry their firearm while in the performance of their duties for the municipal police department, and shall be subject to in-service training requirements of title 42, chapter 28.

~~(20) Workers' Compensation investigators of the department of public safety appointed pursuant to §42-7-3-3.1; and~~

~~(21) Auto theft investigators appointed pursuant to §31-50-1~~

SECTION 4. Chapter 42-7.3 of the General Laws entitled "Department of Public Safety" is hereby amended by adding thereto the following section:

§ 42-7.3-3.1 Workers' Compensation Investigations Unit – Powers and duties of investigators. – (a) There is established a workers' compensation investigations unit, the purpose

of which shall be to prevent and detect fraud, abuse, and mismanagement in the expenditure of public funds, relating to any and all state programs and operations by agencies, bureaus, divisions, sections, departments, offices, commissions, institutions and activities of the state of Rhode Island, including those districts, authorities, or political subdivisions created by the general assembly or the governor.

(b) The workers' compensation investigations unit shall be under the jurisdiction of the commissioner of public safety/superintendent of the state police, and shall consist of a director and investigators, who shall be selected and who shall be specially-trained to prevent and investigate instances of fraud, abuse, and mismanagement in the expenditure of public funds.

(c) The director shall be a member of the Rhode Island state police with at least the rank of sergeant, and shall remain on the personnel rolls of the Rhode Island state police, with the same salary and benefits schedule, and shall retain all powers of a member of the Rhode Island state police of that rank. The director, with the approval of the superintendent, shall have the authority to appoint the investigators and staff of the office.

(d) The director and the investigators shall have the following powers:

(1) To arrest independently or in conjunction with state or federal law enforcement agencies;

(2) To apply for and execute search warrants; and

(3) To serve civil and criminal process.

(e) No person shall be appointed as an investigator in the office unless he or she has successfully completed the basic course of instruction for police officers at the Providence Police Training Academy, the Rhode Island Municipal Police Training Academy, or the Rhode Island

State Police Training Academy, and has at least three (3) years of active law enforcement experience, or has served as a member of the United States Marshal's Service or as a special agent of the Federal Bureau of Investigation, a criminal law enforcement agency of the United States Department of Justice, the United States Department of State, the United States Department of the Treasury or the United States Postal Inspection Service and has at least three (3) years of active law enforcement experience, or has been certified as a police officer by the duly-constituted state commission on police officer standards and training of another state, and has at least three (3) years of active law enforcement experience. Prior to the appointment of any qualified individual, a background examination shall be conducted utilizing federal, state and local law enforcement agencies, bureau of criminal identification, national crime information center, and any and all relevant records existing within the federal and state court systems.

(f) The director and investigators shall be indemnified to the extent provided under § 9-31-12 for acts committed within the scope of their employment.

SECTION 5. This article shall take effect as of January 1, 2010.