

2017 -- H 5544

LC000734

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT

Introduced By: Representatives Marszalkowski, Blazejewski, and Casimiro

Date Introduced: February 16, 2017

Referred To: House Judiciary

(Attorney General)

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 9.4

4 PUBLIC CORRUPTION AND WHITE COLLAR UNIT

5 **42-9.4-1. Legislative findings.**

6 The general assembly finds and declares that:

7 (1) Government integrity is the backbone of efficient and effective state and municipal
8 governments.

9 (2) Abuse of the public trust erodes the public's confidence in public servants, as well as,
10 undermines the ability of government to work towards the public good.

11 (3) Recent and historical cases of the abuse of public trust has had a negative impact on
12 the operation of state and municipal government and the state's economy.

13 (4) All citizens of Rhode Island have the right to open, honest and ethical government.

14 (5) The public needs an advocate to ensure that the policy goals and laws established to
15 protect Rhode Islanders from abuse of the public trust are enforced.

16 (6) In order to provide a safeguard against abuses of the public trust by public servants,
17 the general assembly finds it necessary to establish a public corruption and white collar crime unit
18 within the department of attorney general.

19 **42-9.4-2. Definitions.**

1 As used in this chapter:

2 (1) "Public servant" means:

3 (i) Any full-time or part-time employee in the classified, non-classified or unclassified
4 service of the state or of any city or town within the state, any individuals serving in any
5 appointed state or municipal position, any employees of any public or quasi-public state or
6 municipal board, commission or corporation, and any contractual employees of the state or of any
7 city or town within the state;

8 (ii) Any officer or member of a state or municipal agency as defined in §36-14-2 who is
9 appointed for a term of office specified by the constitution or a statute of this state or a charter or
10 ordinance of any city or town or who is appointed by or through the governing body or highest
11 official of state or municipal government; or

12 (iii) Any person holding any elective public office pursuant to a general or special
13 election.

14 (2) "Abuse of public trust" means any conduct, criminal or unethical in nature, that
15 deprives the citizens of the State of Rhode Island and its municipalities of a government that
16 operates in furtherance of the public interest.

17 **42-9.4-3. Establishment.**

18 There shall be established within the department of attorney general a public corruption
19 and white collar crime unit. The unit shall consist of at least an assistant or special assistant
20 attorney general designated by the attorney general. The unit is authorized to perform the
21 following duties as the attorney general may direct, including, but not limited to:

22 (1) Investigate potential cases of abuse of the public trust in accordance with the Rhode
23 Island general laws;

24 (2) Prosecute cases of abuse of the public trust in accordance with the Rhode Island
25 general laws;

26 (3) Cooperate with the United States Attorney's Office, the Federal Bureau of
27 Investigation, the Rhode Island state police and the Rhode Island ethics commission on
28 investigations and prosecutions related to the abuse of the public trust; and

29 (4) Establish a whistleblower hotline for reports of potential violations regarding abuse of
30 the public trust.

31 **42-9.4-4. Whistleblower protections.**

32 (a) Prohibition against discrimination. No person may discharge, demote, threaten or
33 otherwise discriminate against any person or employee with respect to compensation, terms,
34 conditions or privileges of employment as a reprisal because the person or employee, or any

1 person acting pursuant to the request of the employee, provided or attempted to provide
2 information to the attorney general or their designee or other law enforcement entities regarding
3 possible violations of the Rhode Island general laws by public servants.

4 (b) Enforcement. Any person or employee or former employee that believes that they
5 have been discharged or discriminated against in violation of subsection (a) of this section may
6 file a civil action within three (3) years of the date of the discharge or discrimination.

7 (c) Remedies. If the court determines that a violation has occurred, the court may order
8 the person who committed the violation to:

9 (1) Reinstate the employee to the employee's former position;

10 (2) Pay compensatory damages, costs of litigation and attorneys' fees; and/or

11 (3) Take other appropriate actions to remedy any past discrimination.

12 (d) Limitation. The protections of this section shall not apply to any person or employee
13 who:

14 (1) Deliberately causes or participates in the alleged violation of law or regulation; or

15 (2) Knowingly or recklessly provides substantially false information to the attorney
16 general or the attorney general's designees.

17 **42-9.4-5. No derogation of attorney general.**

18 No provision of this chapter shall derogate from the common law or statutory authority of
19 the attorney general nor shall any provision be construed as a limitation on the common law or
20 statutory authority of the attorney general.

21 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

1 This act would codify the public corruption and white collar crime unit within the
2 Department of Attorney General.

3 This act would take effect upon passage.

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