

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS -- PROTECTION
AGAINST RETALIATION ACT

Introduced By: Senator Tiara T. Mack

Date Introduced: March 01, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 13 of the General Laws entitled "CRIMINALS — CORRECTIONAL
2 INSTITUTIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 2.1

4 PROTECTION AGAINST RETALIATION ACT

5 **13-2.1-1. Legislative intent.**

6 Individuals that are incarcerated or have been formerly incarcerated retain their rights to
7 free political speech and free participation in the political process of Rhode Island and the United
8 States of America. This legislation is intended to protect these individuals from retaliation by the
9 department of corrections and its employees. In the interest of public safety, the department of
10 corrections is granted a large degree of control and authority over individuals that are incarcerated
11 and individuals under probation and parole supervision. However, at no point should this control
12 and authority be exerted in a way that would dissuade, threaten, or punish individuals under custody
13 or supervision from political speech or participation in the political process.

14 **13-2.1-2. Definitions.**

15 As used in this chapter, the following terms have the following meanings:

16 (1) "Applicable person" means any person that is currently or has previously been in prison,
17 or on probation or parole.

18 (2) "Political speech" means any spoken or written communication that relates specifically

1 to the passage of a law or a municipal, state, or federal election.

2 (3) "Private records" means any record(s) not considered public pursuant to § 38-2-2.

3 (4) "Punishment" means any sanction, punishment, or act of discipline imposed by an
4 employee of the department of corrections including, but not limited to, violation of parole or
5 probation, restricting a previously granted privilege, incarceration, extension of a probation, parole,
6 or prison sentence, sentencing to disciplinary confinement, or reduction of 'good time' days in
7 prison.

8 (5) "Threaten" means any action which would make a reasonable person believe that they
9 will be punished for political speech.

10 **13-2.1-3. Retaliation is forbidden.**

11 It is expressly forbidden for any employee of the department of corrections to punish or
12 threaten any applicable person because of political speech, either by taking action solely because
13 of the political speech or by increasing that punishment due to this political speech.

14 **13-2.1-4. Retaliatory release of private information is forbidden.**

15 (a) It is expressly forbidden for any employee of the department of corrections to release
16 private records of any applicable person without written authorization by the department of
17 corrections wholly or partially due to the political speech of that applicable person.

18 (b) Nothing in this section shall be construed to restrict or limit the rights provided in
19 chapter 33 of title 9 ("limits on strategic litigation against public participation").

20 **13-2.1-5. Declaratory judgment.**

21 (a) Any person may bring an action for declaratory judgment in the superior court of
22 Providence county, when it is alleged that the department of corrections, or an officer thereof, failed
23 to perform a duty enjoined upon it by this chapter, or acted in violation of lawful procedure as
24 required by this chapter.

25 (b) A declaratory judgment may be rendered whether or not the plaintiff has requested the
26 agency to pass upon the validity or applicability of the rule in question.

27 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 CRIMINALS -- CORRECTIONAL INSTITUTIONS -- PROTECTION
AGAINST RETALIATION ACT

1 This act would create the protection against retaliation act, wherein individuals that are
2 currently, or have been, incarcerated, or are on probation or parole, may exercise their rights to free
3 political speech and participation in the political process without retaliation by the department of
4 corrections.

5 This act would take effect upon passage.

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