



RESOLUTION OF THE CITY COUNCIL

No. 202

Approved April 23, 2025

WHEREAS, Rhode Islander's civil rights and liberties must be consistently upheld and protected by their state and local governments; and

WHEREAS, The Constitution and laws of this state guarantee a broad spectrum of rights and freedoms, including the right to privacy in defending reproductive freedom and same-sex marriage, freedom from unreasonable search and seizure, the right to organize and protest, and freedom of speech and expression; and

WHEREAS, While the Constitution and laws of this state enumerate these essential liberties, the legitimacy of these freedoms is only as strong as the mechanisms that enforce them; and

WHEREAS, Currently, there are no formal mechanisms to ensure the enforcement of these rights, leaving individuals vulnerable to violations without recourse; and

WHEREAS, Additionally, federal statutes enforcing civil rights do not apply to state or federal government conduct, further limiting remedies for individuals harmed by the State; and

WHEREAS, To address these gaps in enforcement and safeguard against potential Congressional actions that could undermine constitutional rights, Rhode Island House Bill 5223 establishes legal remedies for individuals unjustly deprived of their state created rights due to actions by the State or federal government or their political subdivisions; and

WHEREAS, H-5223 and S-538 are essential to strengthening the protection of Rhode Islanders' rights under the State Constitution, and the Providence City Council strongly supports all efforts to uphold these rights for every individual; and

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council strongly supports the passage of H-5223 and S-538, and urges the General Assembly to enact this legislation promptly to safeguard the constitutional rights of its constituents; and

BE IT FURTHER RESOLVED, That this resolution be sent to lead sponsors Representative Craven and Senator Euer, the Speaker of the Rhode Island House of Representatives K. Joseph Shekarchi, President of the Rhode Island Senate Dominick Ruggerio, the members of the Providence Delegation, and to the office of Governor McKee to express the strong support of the Providence City Council for H-5223.

IN CITY COUNCIL

APR 17 2025
READ AND PASSED


RACHEL M. MILLER, PRESIDENT

CLERK

I HEREBY APPROVE.



Mayor
Date: 4/23/25

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND CIVIL RIGHTS ENFORCEMENT ACT

Introduced By: Representatives Craven, Caldwell, Morales, Dawson, and Batista

Date Introduced: January 29, 2025

Referred To: House Judiciary

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 112.1
- 4 THE RHODE ISLAND CIVIL RIGHTS ENFORCEMENT ACT
- 5 42-112.1-1. Short title.
- 6 This chapter shall be known and may be cited as "the Rhode Island Civil Rights
7 Enforcement Act."
- 8 42-112.1-2. Purpose.
- 9 It is the dual purpose of this chapter to ensure that:
- 10 (1) Consistent with the admonition contained in Article I, Section 5 of the Constitution of
11 the State of Rhode Island, every right shall have a remedy; and
- 12 (2) As between an innocent party whose rights have been violated by acts and/or omissions
13 of a governmental entity, as defined in this chapter, and/or agents thereof, it is the governmental
14 entity and/or agents thereof that shall bear the cost of any harm caused by such violation of rights,
15 not the innocent party.
- 16 42-112.1-3. Definition.
- 17 As used in this chapter:
- 18 (1) "Aggrieved party" means any resident of the State of Rhode Island or other individual

1 within the State of Rhode Island subjected to the deprivation of any rights, privileges or immunities
2 secured by the Constitution and laws of the State of Rhode Island in a manner proscribed by this
3 chapter.

4 (2) "Governmental entity" means the State of Rhode Island or any of its political or
5 administrative subdivisions, including any municipal, quasi-municipal, or quasi-state entity, and
6 any state of the United States, the United States, or a foreign nation state, including any political or
7 administrative subdivision of any of the foregoing entities.

8 **42-112.1-4. Cause of Action.**

9 (a) Every person who, under color of any statute, ordinance, regulation, custom or usage
10 of a governmental entity subjects, or causes to be subjected, any resident of the State of Rhode
11 Island or other individual within the State of Rhode Island to the deprivation of any rights,
12 privileges or immunities secured by the Constitution and laws of the State of Rhode Island, shall
13 be liable to the aggrieved party in an action at law, suit in equity, and/or other proper proceeding
14 for redress, provided nothing herein shall abrogate any existing immunities of any person liable for
15 a violation under this subsection.

16 (b) A governmental entity shall be liable for any harm caused to an aggrieved party
17 subjected to a deprivation proscribed under subsection (a) of this section if the person that caused
18 the deprivation was acting within the scope of their employment, agency or other authority or color
19 of law conferred by the governmental entity, regardless of any immunities from liability from suit
20 that such person may have and regardless of any governmental or sovereign immunities of the State
21 of Rhode Island or any political or administrative subdivision thereof, which said immunities are
22 hereby expressly waived as to the State of Rhode Island and its political or administrative
23 subdivisions; provided that, nothing in this chapter abrogates judicial or legislative immunity.

24 (c) In any action brought under this chapter, an aggrieved party subjected to a deprivation
25 proscribed under subsection (a) of this section need not identify or join as a party the person or
26 persons who caused the deprivation and may bring an action under this chapter solely against the
27 governmental entity liable for the deprivation under subsection (b) of this section.

28 (d) A governmental entity shall also be liable for any harm sustained by an aggrieved party
29 that was caused by any custom, policy, regulation, ordinance, or law of that governmental entity.

30 **42-112.1-5. Remedies.**

31 (a) An aggrieved party subjected to a deprivation proscribed under this chapter shall be
32 entitled to all the rights and remedies available at law and equity including, but not limited to,
33 declaratory and injunctive relief and compensatory and punitive damages; provided that, neither
34 the State of Rhode Island, nor any of its political or administrative subdivisions, shall be liable for

1 punitive damages arising out of liability imposed under §§ 42-112.1-4(b) through (d).
2 (b) In any action brought under this chapter, a prevailing aggrieved party subjected to a
3 deprivation proscribed by this chapter shall also be entitled to an award of reasonable counsel fees
4 as well as costs, prejudgment interest, and expert witness fees reasonably incurred in bringing the
5 action.
6 (c) An aggrieved party shall be considered prevailing if that party succeeds, in whole or in
7 part, in obtaining relief for a deprivation proscribed under this chapter by bringing an action under
8 this chapter, whether the relief is obtained as a result of a judgment, settlement, or the voluntary
9 change in behavior of the governmental entity after the filing of an action.
10 (d) An action under this chapter may be brought in any court of competent jurisdiction
11 within three (3) years from the date of the deprivation proscribed under this chapter or from the
12 date when the aggrieved party knew or should have known of the acts and/or omissions giving rise
13 to the deprivation, whichever is later in time.
14 **42-112.1-6. Severability.**
15 If any provision of this chapter or the application of this chapter to any person or
16 circumstances is adjudged by any court of competent jurisdiction to be invalid, this invalidity shall
17 not affect other provisions or applications of this chapter, which can be given effect without the
18 invalid provision or application, and to this end the provisions of this chapter are declared to be
19 severable.
20 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 -- THE RHODE ISLAND CIVIL
RIGHTS ENFORCEMENT ACT

- 1 This act would provide a remedy for any harm caused due to a deprivation or violation of
2 rights secured by the Constitution of the State of Rhode Island due to acts of the State of Rhode
3 Island or any of its political or administrative subdivisions, including, but not limited to, any
4 municipal, quasi-municipal, or quasi-state entity, and any state of the United States, the United
5 States, and any nation state, including any political or administrative subdivision thereof.
6 This act would take effect upon passage.

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LC000419
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JANUARY SESSION, A.D. 2025

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1 within the State of Rhode Island subjected to the deprivation of any rights, privileges or immunities
2 secured by the Constitution and laws of the State of Rhode Island in a manner proscribed by this
3 chapter.

4 (2) "Governmental entity" means the State of Rhode Island or any of its political or
5 administrative subdivisions, including any municipal, quasi-municipal, or quasi-state entity, and
6 any state of the United States, the United States, or a foreign nation state, including any political or
7 administrative subdivision of any of the foregoing entities.

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10 of a governmental entity subjects, or causes to be subjected, any resident of the State of Rhode
11 Island or other individual within the State of Rhode Island to the deprivation of any rights,
12 privileges or immunities secured by the Constitution and laws of the State of Rhode Island, shall
13 be liable to the aggrieved party in an action at law, suit in equity, and/or other proper proceeding
14 for redress, provided nothing herein shall abrogate any existing immunities of any person liable for
15 a violation under this subsection.

16 (b) A governmental entity shall be liable for any harm caused to an aggrieved party
17 subjected to a deprivation proscribed under subsection (a) of this section if the person that caused
18 the deprivation was acting within the scope of their employment, agency or other authority or color
19 of law conferred by the governmental entity, regardless of any immunities from liability from suit
20 that such person may have and regardless of any governmental or sovereign immunities of the State
21 of Rhode Island or any political or administrative subdivision thereof, which said immunities are
22 hereby expressly waived as to the State of Rhode Island and its political or administrative
23 subdivisions; provided that, nothing in this chapter abrogates judicial or legislative immunity.

24 (c) In any action brought under this chapter, an aggrieved party subjected to a deprivation
25 proscribed under subsection (a) of this section need not identify or join as a party the person or
26 persons who caused the deprivation and may bring an action under this chapter solely against the
27 governmental entity liable for the deprivation under subsection (b) of this section.

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15 If any provision of this chapter or the application of this chapter to any person or
16 circumstances is adjudged by any court of competent jurisdiction to be invalid, this invalidity shall
17 not affect other provisions or applications of this chapter, which can be given effect without the
18 invalid provision or application, and to this end the provisions of this chapter are declared to be
19 severable.
20 SECTION 2. This act shall take effect upon passage.

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LC001277
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BY THE LEGISLATIVE COUNCIL
OF
A N A C T
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4 municipal, quasi-municipal, or quasi-state entity, and any state of the United States, the United
5 States, and any nation state, including any political or administrative subdivision thereof.
6 This act would take effect upon passage.

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