

**THE CITY OF PROVIDENCE**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

**No.** 256

EFFECTIVE ~~XXXXXX~~ **Approved** May 30, 2005

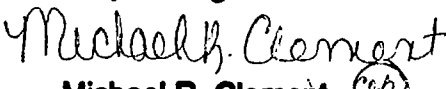

RESOLVED, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of House Bill 2005-H 5442, Relating to Criminal Procedure – Freedom from Surveillance Act and Senate Bill 2005-S 0573, Relating to Criminal Procedure – Restriction on Political Surveillance.

IN CITY COUNCIL,  
MAY 2005  
READ AND PASSED

  
PRES.

  
CLERK

Effective without the  
Mayor's Signature:

  
Michael R. Clement   
City Clerk

IN CITY COUNCIL  
APR 7 2005  
FIRST READING  
REFERRED TO COMMITTEE ON  
STATE LEGISLATION

Michael X. Clement CLERK

THE COMMITTEE ON  
STATE LEGISLATION  
Recommends Approval

Cair & Bestwick  
may 12, 2005 CLERK

Councilman Segal, By Request

LC01501

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

A N A C T

RELATING TO CRIMINAL PROCEDURE -- FREEDOM FROM SURVEILLANCE ACT

Introduced By: Representatives Anguilla, Ajello, Rice, Handy, and Lewiss

Date Introduced: February 09, 2005

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1       SECTION 1. Title 12 of the General Laws entitled "Criminal Procedure" is hereby  
2 amended by adding thereto the following chapter:

3                               CHAPTER 32

4                               THE FREEDOM FROM SURVEILLANCE ACT

5       **12-32-1. Short title.** -- This act shall be known and may be cited as the "Freedom From  
6 Surveillance Act."

7       **12-32-2. Prohibition against collection of information.** -- (a) No state or municipal law  
8 enforcement agency may collect or maintain information about the political, religious or social  
9 views, associations or activities of any individual, group, association, organization, corporation,  
10 or business unless there are reasonable grounds to suspect the subject of the information is  
11 involved in criminal conduct and such information directly relates to the investigation of those  
12 criminal activities.

13       (b) No state or municipal law enforcement agency shall use agency funds, or funds made  
14 available through the federal government, for the purpose of:

15       (1) interfering with the right of any person to engage in peaceful expressive activities; or

16       (2) training law enforcement personnel in methods or procedures for conducting  
17 surveillance of, interfering with, or obstructing lawful protests, demonstrations or other activities  
18 protected by the First Amendment to the United States Constitution and/or Article 1, Section 21  
19 of the Rhode Island Constitution.

1        **12-32-3. Remedies.** – Any person who alleges a violation of the provisions of this  
2 chapter shall be entitled to bring a civil action for the violation and a court of competent  
3 jurisdiction may:

4            (1) award compensatory and punitive damages, and reasonable attorney's fees and costs  
5 to a prevailing party; and

6            (2) afford injunctive relief against any agency that commits or proposes to commit a  
7 violation of this chapter.

8            SECTION 2. This act shall take effect upon passage.

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LC01501  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL PROCEDURE -- FREEDOM FROM SURVEILLANCE ACT

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- 1           This act would prohibit law enforcement agencies from violating civil liberties of
- 2 individuals through surveillance or information gathering techniques.
- 3           This act would take effect upon passage.

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LC01501  
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LC01810

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

A N A C T

RELATING TO CRIMINAL PROCEDURE -- RESTRICTION ON POLITICAL  
SURVEILLANCE

Introduced By: Senators C Levesque, Perry, Metts, Connors, and Pichardo

Date Introduced: February 10, 2005

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Title 12 of the General Laws entitled "Criminal Procedure" is hereby  
2 amended by adding thereto the following chapter:

3                               CHAPTER 32

4                               RESTRICTION ON POLITICAL SURVEILLANCE

5           **12-32-1. Political surveillance -- Prohibition.** -- (a) No state or municipal law  
6 enforcement agency may collect or maintain information about the political, religious or social  
7 views, associations or activities of any individual, group, association, organization, corporation,  
8 or business unless there are reasonable grounds to suspect the subject of the information is  
9 involved in criminal conduct and such information directly relates to the investigation of those  
10 criminal activities.

11           (b) No state or municipal law enforcement agency shall use agency funds, or funds made  
12 available through the federal government, for the purpose of:

13           (1) interfering with the right of any person to engage in peaceful expressive activities; or

14           (2) training law enforcement personnel in methods or procedures for conducting  
15 surveillance of, interfering with, or obstructing lawful protests, demonstrations or other activities  
16 protected by the First Amendment to the United States Constitution and/or Article I, Section 21  
17 of the Rhode Island Constitution.

18           (c) Remedies -- In any civil action alleging a violation of this chapter, the court may:

1           (1) award compensatory and punitive damages, and reasonable attorneys' fees and costs  
2   to a prevailing plaintiff; and

3           (2) afford injunctive relief against any agency that commits or proposes to commit a  
4   violation of this chapter.

5           SECTION 2. This act shall take effect upon passage.

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LC01810  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL PROCEDURE -- RESTRICTION ON POLITICAL  
SURVEILLANCE

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1           This act would require that state and municipal law enforcement agencies may not  
2 collect or maintain information about political, religious, social view associations or activities of  
3 anyone unless there are reasonable grounds to suspect that the subject of the information is  
4 involved in criminal conduct and the information directly relates to the investigation of that  
5 criminal activity. It would also provide that state and municipal law enforcement agency funds  
6 shall not be used to inhibit activities protected by the First Amendment. This act would provide  
7 for remedies if violated.

8           This act would take effect upon passage.

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LC01810  
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## Claire Bestwick

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**From:** david@votesegal.com  
**Sent:** Monday, March 14, 2005 5:34 PM  
**To:** Claire Bestwick; Anna Stetson  
**Subject:** for docket

Rez in support of:  
House Bill No.5442  
S-573