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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ATTORNEY GENERAL

Introduced By: Senator Michael J. McCaffrey

Date Introduced: February 28, 2013

Referred To: Senate 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 9.4 PUBLIC CORRUPTION AND WHITE COLLAR CRIME UNIT

4 **42-9.4-1. Legislative findings.** -- The general assembly hereby finds and declares that:

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

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

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

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

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

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

17 **42-9.4-2. Definitions.** -- As used in this chapter:

18 (1) "Public servant" means:

19 (i) Any full-time or part-time employee in the classified, non-classified and unclassified

1 service of the state or of any city or town within the state, any individuals serving in any
2 appointed state or municipal position, any employee of any public or quasi-public state or
3 municipal board, commission or corporation, and any contractual employee of the state or of any
4 city or town within the state;

5 (ii) Any officer or member of a state or municipal agency as defined in subdivision 36-14-
6 2(8) who is appointed for a term of office specified by the constitution or a statute of this state or
7 a charter or ordinance of any city or town or who is appointed by or through the governing body
8 or highest official of state or municipal government; or

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

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

14 **42-9.4-3. Establishment. --** (a) There shall be established within the department of
15 attorney general a public corruption and white collar crime unit. The unit shall consist of at least
16 an assistant or special assistant attorney general designated by the attorney general. The unit is
17 authorized to perform the following duties as the attorney general may direct, including, but not
18 limited to:

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

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

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

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

28 **42-9.4-4. Whistleblower protections. --** (a) Prohibition against discrimination. - No
29 person may discharge, demote, threaten or otherwise discriminate against any person or employee
30 with respect to compensation, terms, conditions or privileges of employment as a reprisal because
31 the person or employee, or any person acting pursuant to the request of the employee, provided or
32 attempted to provide information to the attorney general or his or her designee or other law
33 enforcement entities regarding possible violations of the Rhode Island general laws by public
34 servants.

1 **(b) Enforcement. - Any person, employee or former employee that believes that he or she**
2 **has been discharged or discriminated against in violation of subsection 42-9.4-4(a) or section 28-**
3 **50-3 shall be entitled to all of the remedies available pursuant to sections 28-50-4 and 28-50-5.**

4 **(c) Remedies. - If the court determines that a violation has occurred, the court may order**
5 **the person who committed the violation to:**

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

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

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

9 **(d) Limitation. - The protections of this section shall not apply to any person or employee**
10 **who:**

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

12 **(2) Knowingly or recklessly provides substantially false information to the attorney**
13 **general or his or her designees.**

14 **42-9.4-5. No derogation of attorney general. -- No provision of this chapter shall**
15 **derogate from the common law or statutory authority of the attorney general nor shall any**
16 **provision be construed as a limitation on the common law or statutory authority of the attorney**
17 **general.**

18 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 -- ATTORNEY GENERAL

1 This act would establish a 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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