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February 11, 2025

The Honorable Robert E. Craven, Sr.  
Chair, House Municipal Judiciary Committee  
Rhode Island House of Representatives  
82 Smith Street  
Providence, RI 02903

RE: BILL NUMBER H-5223 – RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND CIVIL RIGHTS ENFORCEMENT ACT

Dear Chairman Craven and Honorable Committee Members,

I am writing to express concerns regarding House Bill 5223, *The Rhode Island Civil Rights Enforcement Act*, and to respectfully request an opportunity to work collaboratively with you to address specific issues within the legislation. While we recognize the importance of ensuring the protection and enforcement of civil rights in Rhode Island, the bill, as currently drafted, raises significant concerns that merit further discussion.

One of the primary concerns is the broad range of remedies provided for perceived state constitutional violations. The definition of an "aggrieved party" is expansive, encompassing any Rhode Island resident who is "subject to" a deprivation of rights secured by the state constitution or other laws. However, the term "subject to" is not clearly defined, which creates ambiguity and could open the door for virtually any state resident to construct a claim based on an alleged constitutional violation theory. This lack of clarity may lead to an unpredictable and excessive volume of litigation, placing undue strain on local government resources.

Additionally, we are concerned about the explicit waiver of traditional defenses in civil rights actions, particularly the elimination of qualified immunity under R.I.G.L. § 42-112-4. Qualified immunity serves as an important legal safeguard to ensure that public officials can perform their duties without fear of excessive litigation. Removing this defense would create an imbalanced legal landscape that overwhelmingly favors prospective plaintiffs, potentially exposing state and municipal entities, as well as individual public employees, to costly and protracted litigation. This, in turn, could have significant financial and operational implications for cities and towns across Rhode Island.

Given these concerns, we respectfully request an opportunity to work with you to refine the language in H-5223 to ensure that it achieves its intended purpose while also maintaining fairness in the legal process and safeguarding the ability of public officials to perform their duties effectively. We would welcome a discussion on possible amendments to clarify the scope of the bill and mitigate unintended consequences.

Thank you for your time and consideration. We appreciate your leadership on this important issue and look forward to working together toward a balanced and effective solution.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy R. Rossi".

Randy R. Rossi  
Executive Director

Cc: Honorable Members of House Judiciary Committee  
Chief Legal Counsel Nicole McCarty