



STATE OF RHODE ISLAND

OFFICE OF GOVERNOR DANIEL J. MCKEE

April 8, 2025

The Honorable Evan P. Shanley
Chair, House Committee on State Government & Elections
Room 135, Rhode Island State House
Providence, Rhode Island 02903

Re: 2025-H 6164, An Act Relating to State Affairs and Government – Department of Attorney General

Dear Chairman Shanley:

I write in opposition to H 6164, An Act Relating to State Affairs and Government – Department of Attorney General (Act). The Act would authorize the Attorney General to seek an injunction, restitution, damages, and penalties of up to \$10,000 per violation, and/or the cancellation of a certificate to do business in Rhode Island in response to “repeated illegal acts, or . . . persistent illegality in the carrying on, conducting or transaction of business or governmental activity[.]” Related to this authority, the Attorney General would also be empowered to “take proof and make a determination of the relevant facts and to issue civil investigative demands” without court order.

The Act is nearly identical to legislation passed in 2024 that this Administration vetoed. As explained in that veto transmittal message, the ACLU stated that the legislation would “provide virtually unconstrained authority to the Attorney General to conduct civil investigations of suspected or alleged illegality in almost every corner of public or private life.” In line with those concerns, the Administration explained in 2024 and will relay again here that the Act’s deficiencies are numerous.

First, this legislation seeks to sweep within the powers of the Attorney General the expansive authority to pursue civil actions against persons or business entities for “persistent illegality” – an undefined and almost unlimited term. As the ACLU noted in 2024, the Act would “exponentially expand the power of the Attorney General to engage in intrusive investigatory practices, and to do so without the presence of any meaningful

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guardrails.” The Act would simply empower the Attorney General “to serve as a roving civil law enforcer.”

Second, the Act is duplicative of the existing Deceptive Trade Practices Act (DTPA), but goes much further, creating additional powers with fewer corresponding protections – all without any record, legislative or otherwise, that the existing powers afforded by the DTPA are insufficient.

Third, the Act conflicts with numerous existing laws that vest authority to enforce statutory and regulatory infractions with the appropriate state agency. Unlike the New York law from which it appears to have been taken, the Act neither accounts for the problematic overlapping authority it creates nor guards against the disputes, confusion, and abuses that will inevitably arise. While the New York law contains internal checks against abuse – such as requiring joint action on the parts of several constitutional officers in connection with governmental investigations – such internal checks are wholly lacking in the Act.

Finally, the Office of Internal Audit already possesses the statutory authority to conduct audits of any state department, state agency, or private entity for the purpose of preventing and detecting fraud, waste, abuse, or mismanagement in the expenditure of public funds. Similarly, the Office of Internal Audit is responsible for investigations, upon the request of the Governor or the General Assembly, of public bodies relative to financial affairs and the economy or efficiency of management. Endowing the Attorney General with overlapping powers would be a waste of government resources.

For these reasons, the Administrative vetoed this legislation in 2024 and continues to disapprove of this legislation.

Sincerely,



Katherine E. Miller
Deputy Executive Counsel

cc: Honorable Members of the House Committee on State Government &
Elections
Honorable David Morales
Nicole McCarty, Esq.