

2022 -- H 8012

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- EXTREME RISK  
PROTECTION ORDERS

Introduced By: Representatives Felix, Edwards, Solomon, Kazarian, Kislak, Alzate,  
Cassar, C Lima, J Lombardi, and Noret

Date Introduced: March 18, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-8.3-6 of the General Laws in Chapter 8-8.3 entitled "Extreme Risk  
2 Protection Orders" is hereby amended to read as follows:

3 **8-8.3-6. Service of one-year extreme risk protection orders.**

4 (a) A one-year extreme risk protection order issued under this chapter shall be personally  
5 served upon the respondent by the division of sheriffs. Provided, the division of sheriffs may  
6 request the assistance of the state police with the service as needed. If the division of sheriffs cannot  
7 complete service of the one-year extreme risk protection order upon the respondent within seven  
8 (7) days of the order's issuance, the deputy sheriff shall notify the petitioner and the court. The  
9 petitioner shall then seek an order for alternative service pursuant to this chapter. The division of  
10 sheriffs shall not charge or accept any fee for effectuation of service of any extreme risk protection  
11 order filed by any law enforcement agency located within the State of Rhode Island.

12 (1) Any law enforcement agency that files an extreme risk protection order under this  
13 chapter may transmit a copy of the petition and summons to the division of sheriffs by email,  
14 facsimile or other electronic means. Any petition and summons, provided that it contains a seal of  
15 the court in which it was filed, so transmitted, shall be considered a true and accurate copy and the  
16 division of sheriffs shall not require that a hard or paper copy be hand delivered to its office before  
17 effectuating service.

18 (b) If the court determines that after diligent effort, personal service on the respondent with

1 or of any documents as required pursuant to this chapter cannot be made, then the court may order  
2 an alternative method of service designed to give reasonable notice to the respondent. Alternative  
3 service may include, but shall not be limited to: service by certified and regular mail at respondent's  
4 last-known address or place of employment; leaving copies at the respondent's dwelling or usual  
5 place of abode with a person of suitable age and discretion residing therein; or by affixing a  
6 summons to the door of the respondent's residence. Provided, due to the nature of these  
7 proceedings, notice shall not be given by publication in a newspaper.

8 (c) In the event personal service of any order, notice, or other document issued pursuant to  
9 this chapter cannot be obtained, the court shall have discretion to continue any extreme risk  
10 protection order, and hearing thereon, as the court deems appropriate, until service can be made  
11 upon the respondent.

12 (d) Upon receipt of alternative service of any order, notice, or other document issued  
13 pursuant to this chapter, the respondent shall comply with the order, notice, or document as if  
14 personally served.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would prohibit the division of sheriffs from charging or accepting any fees from  
2 any Rhode Island law enforcement agency for effectuation of service of any extreme risk protection  
3 order. It would also require the division of sheriffs to accept transmission of extreme risk protection  
4 documents, petitions and summons, by email, facsimile or other electronic means.

5           This act would take effect upon passage.

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