

2011 -- S 0681

=====  
LC01298  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

-----  
A N A C T

RELATING TO TOWNS AND CITIES - SERGEANTS AND CONSTABLES

Introduced By: Senators Ciccone, Picard, and Lanzi

Date Introduced: March 10, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 45-16-4.4 of the General Laws in Chapter 45-16 entitled "Sergeants  
2 and Constables" is hereby amended to read as follows:

3           **45-16-4.4. Authorization to serve process of superior court.** -- (a) The presiding  
4 justice of the superior court, upon petition filed with the clerk in Providence County superior  
5 court, by a constable authorized or licensed under this chapter, may, after hearing on the petition,  
6 authorize the constable to serve or execute any process or writs issued by or returnable to the  
7 superior court.

8           (b) No petition shall be filed by a constable who does not have full authorization for  
9 service of process from the chief judges of the district and/or family courts for a minimum of one  
10 year.

11           (c) At the hearing on the petition, the petitioner shall present any evidence that the  
12 presiding justice may require.

13           (d) If the petition is granted, the petitioner, prior to the service of any process of the  
14 superior court, shall post with the general chief clerk of the superior court a bond in the amount of  
15 ten thousand dollars (\$10,000), which bond shall be renewed annually. The obligee of the bond  
16 shall be the general chief clerk for the benefit of any aggrieved person. The bond shall be  
17 conditioned upon the faithful performance of the duties of the constable. Any authority granted  
18 pursuant to this section may be suspended or revoked by the presiding justice in the justice's sole  
19 discretion.

1 (e) A master file shall be maintained by the general chief clerk containing the names of  
2 those duly licensed under this section.

3 (f) Neither the state nor the presiding justice is liable to any person who is aggrieved in  
4 any manner whatsoever as a result of the conduct or actions of a constable licensed pursuant to  
5 this section.

6 (g) Upon approval of the petition pursuant to this section, said constable shall be  
7 considered at all times while in the performance of their duties as officers of the court.

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

=====  
LC01298  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO TOWNS AND CITIES - SERGEANTS AND CONSTABLES

\*\*\*

1           This act would further define constables as authorized by this section to be considered  
2 officers of the court.

3           This act would take effect upon passage.

=====  
LC01298  
=====