

1 **ARTICLE 3 SUBSTITUTE A**

2 RELATING TO GOVERNMENT REORGANIZATION

3 SECTION 1. Sections 42-7.2-2, 42-7.2-4, 42-7.2-5 and 42-7.2-6 of the General Laws in
4 Chapter 42-7.2 entitled "Office of Health and Human Services" are hereby amended to read as
5 follows:

6 **42-7.2-2. Executive office of health and human services.** -- There is hereby established
7 within the executive branch of state government an executive office of health and human
8 services: to serve as the principal agency of the executive branch of state government for
9 managing the departments of children, youth and families, elderly affairs, health, human services,
10 and mental health, retardation and hospitals. In this capacity, ~~This~~ the office shall: ~~lead~~

11 a) Lead the state's five health and human services departments in order to:

12 ~~(a)~~ (1) Improve the economy, efficiency, coordination, and quality of health and human
13 services policy and planning, budgeting and financing.

14 ~~(b)~~ (2) Design strategies and implement best practices that foster service access,
15 consumer safety and positive outcomes.

16 ~~(c)~~ (3) Maximize and leverage funds from all available public and private sources,
17 including federal financial participation, grants and awards.

18 ~~(d)~~ (4) Increase public confidence by conducting independent reviews of health and
19 human services issues in order to promote accountability and coordination across departments.

20 ~~(e)~~ (5) Ensure that state health and human services policies and programs are responsive
21 to changing consumer needs and to the network of community providers that deliver assistive
22 services and supports on their behalf.

23 (b) Supervise the administrations of federal and state medical assistance programs by
24 acting as the single state agency authorized under title XIX of the U.S. Social Security act, 42
25 U.S.C. Section 1396a et seq., notwithstanding any general or public law or regulation to the
26 contrary, and exercising such single state agency authority for such other federal and state
27 programs as may be designated by the governor. Nothing in this chapter shall be construed as
28 transferring to the secretary: (1) The powers, duties or functions conferred upon the departments
29 by Rhode Island general laws for the administration of the foregoing federal and state programs;
30 or (2) The administrative responsibility for the preparation and submission of any state plans,

1 state plan amendments, or federal waiver applications, as may be approved from time to time by
2 the secretary with respect to the foregoing federal and state programs.

3 **42-7.2-4. Responsibilities of the secretary.** -- (a) The secretary shall be responsible to
4 the governor for supervising the executive office of health and human services and for managing
5 and providing strategic leadership and direction to the five departments.

6 (b) Notwithstanding the provisions set forth in this chapter, the governor shall appoint
7 the directors of the departments within the executive office of health and human services.
8 Directors appointed to those departments shall continue to be subject to the advice and consent of
9 the senate and shall continue to hold office as set forth in sections 42-6-1 et seq. and 42-72-1(c).

10 **42-7.2-5. Duties of the secretary.** -- The secretary shall be subject to the direction and
11 supervision of the governor and notwithstanding any law to the contrary, shall be considered to be
12 an extension of the governor in the executive branch of state government in the management
13 oversight, coordination and cohesive direction of state administered health and human services
14 and in ensuring the laws are faithfully executed. Unless the governor expressly reserves such
15 power to himself or herself, the secretary of health and human services shall be authorized to:

16 (a) Coordinate the administration and financing of health care benefits, human services
17 and programs including those authorized by the Medicaid State Plan under Title XIX of the US
18 Social Security Act. However, nothing in this section shall be construed as transferring to the
19 secretary the powers, duties or functions conferred upon the departments by Rhode Island public
20 and general laws for the administration of federal/state programs financed in whole or in part with
21 Medicaid funds or the administrative responsibility for the preparation and submission of any
22 state plans, state plan amendments, or authorized federal waiver applications.

23 (b) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid
24 reform issues as well as the principal point of contact in the state on any such related matters.

25 (c) Review and ensure the coordination of any new departmental waiver requests and
26 renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan
27 with the potential to affect the scope, amount or duration of publicly-funded health care services,
28 provider payments or reimbursements, or access to or the availability of benefits and services as
29 provided by Rhode Island general and public laws. The secretary shall consider whether any such
30 waivers or amendments are legally and fiscally sound and consistent with the state's policy and
31 budget priorities. The secretary shall also assess whether a proposed waiver or amendment is
32 capable of obtaining the necessary approvals from federal officials and achieving the expected
33 positive consumer outcomes. Department directors shall, within the timelines specified, provide
34 any information and resources the secretary deems necessary in order to perform the reviews

1 authorized in this section;

2 (d) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
3 and senate finance committees, the caseload estimating conference, and to the joint legislative
4 committee for health care oversight, by no later than ~~December~~ February 1 of each year, a
5 comprehensive overview of all Medicaid expenditures ~~included in the annual budgets developed~~
6 ~~by the departments.~~ outcomes, and utilization rates. The overview shall include, but not be
7 limited to, the following information:

8 (1) Expenditures under titles xix and xxi of the social security act, as amended;

9 (2) Expenditures, outcomes and utilization rates by population and sub-population served
10 (e.g. families with children, children with disabilities, children in foster care, children receiving
11 adoption assistance, adults with disabilities, and the elderly);

12 (3) Expenditures, outcomes and utilization rates by each state department or other
13 municipal or public entity receiving federal reimbursement under titles xix and xxi of the social
14 security act, as amended; and

15 (4) Expenditures, outcomes and utilization rates by type of service and/or service
16 provider.

17 The directors of the departments, as well as local governments and school departments,
18 shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever
19 resources, information and support shall be necessary.

20 (e) Resolve administrative, jurisdictional, operational, program, or policy conflicts
21 among departments and their executive staffs and make necessary recommendations to the
22 governor.

23 (f) Assure continued progress toward improving the quality, the economy, the
24 accountability and the efficiency of state-administered health and human services. In this
25 capacity, the secretary shall:

26 (1) ~~Oversee~~ Direct implementation of reforms in the human resources practices of the
27 departments that streamline and upgrade services, achieve greater economies of scale and
28 establish the coordinated system of the staff education, cross- training, and career development
29 services necessary to recruit and retain a highly-skilled, responsive, and engaged health and
30 human services workforce;

31 (2) Encourage the departments to utilize consumer-centered approaches to service design
32 and delivery that expand their capacity to respond efficiently and responsibly to the diverse and
33 changing needs of the people and communities they serve;

34 (3) Develop all opportunities to maximize resources by leveraging the state's purchasing

1 power, centralizing fiscal service functions related to budget, finance, and procurement,
2 centralizing communication, policy analysis and planning, and information systems and data
3 management and standardizing contractual services, pursuing alternative funding sources through
4 grants, awards and partnerships and securing all available federal financial participation for
5 programs and services provided through the departments; and

6 (4) Improve the coordination and efficiency of health and human services legal functions
7 by centralizing adjudicative and legal services and overseeing their timely and judicious
8 administration.

9 (g) ~~Ensure preparation of a coordinated~~ Prepare and integrate comprehensive budgets for
10 the health and human services departments; and any other functions and duties assigned to the
11 office. The budgets shall be submitted to the state budget office by the secretary, for
12 consideration by the governor, on behalf of the state's health and human services in accordance
13 with the provisions set forth in section 35-3-4 of the Rhode Island general laws.

14 (h) ~~Improve the ability of departments to utilize~~ Utilize objective data to evaluate health
15 and human services policy goals, resource use and outcome evaluation and to perform short and
16 long-term policy planning and development.

17 (i) ~~Foster the establishment~~ Establishment of an integrated approach to interdepartmental
18 information and data management that will facilitate the transition to consumer-centered system
19 of state administered health and human services.

20 (j) At the direction of the governor or the general assembly, conduct independent
21 reviews of state-administered health and human services programs, policies and related agency
22 actions and activities and assist the department directors in identifying strategies to address any
23 issues or areas of concern that may emerge thereof. The department directors shall provide any
24 information and assistance deemed necessary by the secretary when undertaking such
25 independent reviews.

26 (k) Provide regular and timely reports to the governor and make recommendations with
27 respect to the state's health and human services agenda.

28 (l) Employ such personnel and contract for such consulting services as may be required
29 to perform the powers and duties lawfully conferred upon the secretary.

30 (m) Implement the provisions of any general or public law or regulation related to the
31 disclosure, confidentiality and privacy of any information or records, in the possession or under
32 the control of the executive office or the departments assigned to the executive office, that may be
33 developed or acquired for purposes directly connected with the secretary's duties set forth herein.

34 (n) Hold the director of each health and human services department accountable for their

1 [administrative, fiscal and program actions in the conduct of the respective powers and duties of](#)
2 [their agencies.](#)

3 **42-7.2-6. Departments assigned to the executive office -- Powers and duties. --** (a)

4 The departments assigned to the secretary shall:

5 (1) Exercise their respective powers and duties in accordance with their statutory
6 authority and the general policy established by the governor or by the secretary acting on behalf
7 of the governor or in accordance with the powers and authorities conferred upon the secretary by
8 this chapter;

9 (2) Provide such assistance or resources as may be requested or required by the governor
10 and/or the secretary; and

11 (3) Provide such records and information as may be requested or required by the
12 governor and/or the secretary to the extent allowed under the provisions of any applicable general
13 or public law, regulation, or agreement relating to the confidentiality, privacy or disclosure of
14 such records or information.

15 [\(4\) Forward to the secretary copies of all reports to the governor.](#)

16 (b) Except as provided herein, no provision of this chapter or application thereof shall be
17 construed to limit or otherwise restrict the department of children, youth and families, the
18 department of elderly affairs, the department of health, the department of human services, and the
19 department of mental health, retardation and hospitals from fulfilling any statutory requirement or
20 complying with any valid rule or regulation.

21 SECTION 2. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human
22 Services" is hereby amended by adding thereto the following section:

23 **42-7.2-6.1. Transfer of powers and functions..** – [\(a\) There are hereby transferred to the](#)
24 [executive office of health and human services the powers and functions of the departments with](#)
25 [respect to the following:](#)

26 [\(1\) By July 1, 2007, fiscal services including budget preparation and review, financial](#)
27 [management, purchasing and accounting and any related functions and duties deemed necessary](#)
28 [by the secretary;](#)

29 [\(2\) By July 1, 2007, legal services including applying and interpreting the law, oversight](#)
30 [to the rule-making process, and administrative adjudication duties and any related functions and](#)
31 [duties deemed necessary by the secretary;](#)

32 [\(3\) By September 1, 2007, communications including those functions and services related](#)
33 [to government relations, public education and outreach and media relations and any related](#)
34 [functions and duties deemed necessary by the secretary;](#)

1 (4) By March 1, 2008, policy analysis and planning including those functions and
2 services related to the policy development, planning and evaluation and any related functions and
3 duties deemed necessary by the secretary; and

4 (5) By June 30, 2008, information systems and data management including the financing,
5 development and maintenance of all data-bases and information systems and platforms as well as
6 any related operations deemed necessary by the secretary;

7 (b) The secretary shall determine in collaboration with the department directors whether
8 the officers, employees, agencies, advisory councils, committees, commissions, and task forces of
9 the departments who were performing such functions shall be transferred to the office. Duties
10 that are incidental to the performance of the functions transferred to the office in subpart (a) shall
11 remain with the departments providing that the employees responsible thereof are performing
12 functions that have not been transferred.

13 (c) In the transference of such functions, the secretary shall be responsible for ensuring:

14 (1) Minimal disruption of services to consumers;

15 (2) Elimination of duplication of functions and operations;

16 (3) Services are coordinated and functions are consolidated where appropriate;

17 (4) Clear lines of authority are delineated and followed;

18 (5) Cost-savings are achieved whenever feasible;

19 (6) Program application and eligibility determination processes are coordinated and,

20 where feasible, integrated; and

21 (7) State and federal funds available to the office and the entities therein are allocated

22 and utilized for service delivery to the fullest extent possible.

23 Except as provided herein, no provision of this chapter or application thereof shall be
24 construed to limit or otherwise restrict the departments of human services, elderly affairs, health,
25 and mental health, retardation, and hospitals from fulfilling any statutory requirement or
26 complying with any regulation deemed otherwise valid.

27 SECTION 3. Section 42-12-27 of the General Laws in Chapter 42-12 entitled
28 "Department of Human Services" is hereby ~~amended to read as follows~~ repealed in its entirety:

29 ~~**42-12-27. Annual report of statewide Medicaid expenditures --- Health and social**~~
30 ~~**outcomes. --- (a) The governor and the general assembly hereby find and declare that statewide**~~
31 ~~**Medicaid program expenditures were approximately \$1.037 billion dollars during state fiscal year**~~
32 ~~**1998, and accounted for nearly twenty eight percent (28%) of state's total annual expenditures of**~~
33 ~~**\$3.725 billion in fiscal year 1998, and are projected to continue to be a significant percentage of**~~
34 ~~**the total annual state budget; that those expenditures have a significant impact on the health,**~~

1 ~~educational and social fabric of the state; that although the department of human services has~~
2 ~~been designated as the single state agency responsible to the federal government and the state for~~
3 ~~the effective and efficient administration and supervision of the state's Medicaid program, as well~~
4 ~~as to provide assurances of statewide accessibility to a comprehensive system of high quality~~
5 ~~health care services, only two thirds (2/3) of total Medicaid expenditures is appropriated to and~~
6 ~~directly administered by the department of human services, while the remaining one third (1/3) is~~
7 ~~appropriated to other departments within state government. The governor and the general~~
8 ~~assembly further recognize that policy makers may not have the benefit of a comprehensive and~~
9 ~~consolidated depiction of the total impact of the Medicaid program on Rhode Island children and~~
10 ~~families, adults with disabilities and the elderly; and, that policy makers should require a higher~~
11 ~~level of assurance that the funds are used to enhance health service accessibility, delivery and~~
12 ~~outcomes, as well as to improve the fiscal integrity and accountability for Medicaid expenditures.~~

13 ~~-(b) The governor and the general assembly further find and declare that a well-~~
14 ~~coordinated comprehensive financing and service delivery system that specifically addresses the~~
15 ~~interfaces between other health, social, and educational programs, including those administered at~~
16 ~~the municipal and community level, is essential.~~

17 ~~-(c) Wherefore, the governor and general assembly direct the director of the department~~
18 ~~of human services, as the administrator of the single state agency for the Medicaid program in~~
19 ~~Rhode Island, to issue a report to the governor, to the general assembly and to the caseload-~~
20 ~~estimating conference established under section 15-17-1, no later than March 31, 2000, and by~~
21 ~~March 31st of each year thereafter, of expenditures and outcomes over time for the Medicaid~~
22 ~~program as a whole, including but not limited to the following information:~~

23 ~~-(1) expenditures under Titles XIX and XXI of the Social Security Act, as amended;~~

24 ~~-(2) expenditures and outcomes by population and sub-population served (e.g. families~~
25 ~~with children, children with disabilities, children in foster care, children receiving adoption~~
26 ~~assistance, adults with disabilities, and the elderly);~~

27 ~~-(3) expenditures and outcomes by each state department or other municipal or public~~
28 ~~entity receiving federal reimbursement under Titles XIX and XXI, and~~

29 ~~-(4) expenditures and outcomes by type of service and/or service provider.~~

30 SECTION 4. It is the intent of the general assembly to reform and make uniform the
31 process of the selection of magistrates and the terms and conditions under which they shall serve.
32 This act shall apply to any vacancy which occurs after the date of passage and shall also apply to
33 any magistrate position which completes its statutory term after the date of passage of this act. It
34 is the intent of the general assembly that this act shall determine the rights and duties of court

1 magistrates superseding any act or rule in conflict with the provisions of this act.

2 SECTION 5. Section 8-2-11.1 of the General Laws in Chapter 8-2 entitled "Superior
3 Court" is hereby amended to read as follows:

4 **8-2-11.1. Administrator/magistrate.** -- (a) Any person holding the position of
5 administrative clerk in the superior court who is a member of the bar of Rhode Island may be
6 appointed administrator/magistrate for a term of ten (10) years by the presiding justice, with the
7 advice and consent of the senate, in his or her capacity as administrative judge. Nothing herein
8 shall be construed to prohibit the assignment of an administrator/magistrate to more than one such
9 term, subject to the advice and consent of the senate.

10 (b) (1) The administrator/magistrate shall have the power to hear and determine such
11 matters as may be assigned to the administrator/magistrate by the presiding justice all to the same
12 effect as if done by a justice of the superior court.

13 (2) Without limiting the generality of the foregoing powers and authority, the
14 administrator/magistrate is authorized and empowered to hear and determine motions in civil and
15 criminal proceedings, formal and special causes, to conduct arraignments, to grant or deny bail, to
16 accept pleas of not guilty, guilty, or nolo contendere, and to impose sentence on a plea of guilty
17 or nolo contendere, all to the same effect as if done by a justice of the superior court.

18 (c) The administrator/magistrate may be authorized:

19 (1) To regulate all proceedings before him or her;

20 (2) To do all acts and take all measures necessary or proper for the efficient performance
21 of his or her duties;

22 (3) To require the production before him or her of books, papers, vouchers, documents,
23 and writings;

24 (4) To rule upon the admissibility of evidence;

25 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
26 examine them, and to call parties to the proceeding and examine them upon oath;

27 (6) To adjudicate a person in contempt and to order him or her imprisoned for not more
28 than seventy-two (72) hours, pending review by a justice of the court, for failure to appear in
29 response to a summons or for refusal to answer questions or produce evidence or for behavior
30 disrupting a proceeding;

31 (7) To adjudicate a party in contempt and to order him or her imprisoned for not more
32 than seventy-two (72) hours, pending review by a justice of the court, for failure to comply with a
33 pending order to provide payment or to perform any other act; and

34 (8) To issue a *capias* and/or body attachment upon the failure of a party or witness to

1 appear after having been properly served and, should the court not be in session, the person
2 apprehended may be detained at the adult correctional institution, if an adult, or at the Rhode
3 Island training school for youth, if a child, until the next session of the court.

4 (d) A party aggrieved by an order entered by the administrator/magistrate shall be
5 entitled to a review of the order by a justice of the superior court. Unless otherwise provided in
6 the rules of procedure of the court, the review shall be on the record and appellate in nature. The
7 court shall, by rules of procedure, establish procedures for review of orders entered by the
8 administrator/magistrate, and for enforcement of contempt adjudications of the
9 administrator/magistrate.

10 (e) Final orders of the superior court entered in a proceeding to review an order of the
11 administrator/magistrate may be appealed to the supreme court.

12 (f) The administrator/magistrate shall be:

13 (1) Governed by the commission on judicial tenure and discipline, chapter 16, of this
14 title, in the same manner as justices and judges;

15 (2) Subject to all provisions of the canons of judicial ethics;

16 (3) Subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-7-2.

17 SECTION 6. Sections 8-2-39, 8-2-39.1 and 8-2-39.2 of the General Laws in Chapter 8-2
18 entitled "Superior Court" are hereby amended to read as follows:

19 **8-2-39. General magistrate -- Appointment, duties and powers.** -- (a) There is hereby
20 created within the superior court the position of general magistrate who shall be appointed by the
21 ~~chief~~ presiding justice of the ~~supreme~~ superior court, with the advice and consent of the senate,
22 for a term of ten (10) years. Nothing herein shall be construed to prohibit the assignment of the
23 general magistrate to more than one such term, subject to the advice and consent of the senate.

24 The person appointed to serve as general magistrate shall be a member of the bar of Rhode Island.
25 The powers and duties of the general magistrate shall be prescribed in the order appointing him
26 or her.

27 (b) (1) The general magistrate shall assist the court in:

28 (i) The determination of, monitoring, collection, and payment of restitution and court
29 ordered fines, fees, and costs or the ordering of community service in lieu of or in addition to the
30 payment of restitution, fines, fees, and costs, consistent with other provisions of the general laws;

31 (ii) The determination and payment of claims under the violent crimes indemnity fund
32 for the Criminal Injuries Compensation Act of 1972, chapter 25 of title 12;

33 (iii) The determination and payment of claims from the Criminal Royalties Distribution
34 Act of 1983, chapter 25.1 of title 12; and

1 (iv) Such other matters as the ~~chief~~ presiding justice of the ~~supreme~~ superior court ~~in~~
2 ~~consultation with the presiding justice and, if applicable, the chief justice of the receiving court~~
3 determines are necessary.

4 (2) The chief justice of the supreme court, with the consent of the presiding justice and,
5 if applicable, the chief judge of a particular court, may assign the general magistrate to any court
6 of the unified system. When the general magistrate is so assigned he or she shall be vested,
7 authorized, and empowered with all the powers belonging to the justices or judges to which he or
8 she is specially assigned.

9 (c) The general magistrate will be empowered to hear all motions, pretrial conferences,
10 arraignments, probable cause hearings, bail hearings, bail and probation revocation hearings, and
11 to review all such matters including, but not limited to the above, and to modify the terms and
12 conditions of probation and other court-ordered monetary payments including, but not limited to,
13 the extension of time for probation and court-ordered monetary payments as provided by law.
14 The general magistrate shall have the power to take testimony in connection with all matters set
15 forth herein.

16 (d) The general magistrate may be authorized:

17 (1) To regulate all proceedings before him or her;

18 (2) To do all acts and take all measures necessary or proper for the efficient performance
19 of his or her duties;

20 (3) To require the production before him or her of books, papers, vouchers, documents,
21 and writings;

22 (4) To rule upon the admissibility of evidence;

23 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
24 examine them, and to call parties to the proceeding and examine them upon oath;

25 (6) To adjudicate a person in contempt and to order him or her imprisoned for not more
26 than seventy-two (72) hours, pending review by a justice of the relevant court, for failure to
27 appear in response to a summons or for refusal to answer questions or produce evidence or for
28 behavior disrupting a proceeding;

29 (7) To adjudicate a party in contempt and to order him or her imprisoned for not more
30 than seventy-two (72) hours, pending review by a justice of the relevant court, for failure to
31 comply with a pending order to provide payment or to perform any other act; and

32 (8) To issue a *capias* and/or body attachment upon the failure of a party or witness to
33 appear after having been properly served and, should the court not be in session, the person
34 apprehended may be detained at the adult correctional institutions, if an adult, or at the Rhode

1 Island training school for youth, if a child, until the next session of the court.

2 (e) A party aggrieved by an order entered by the general magistrate shall be entitled to a
3 review of the order by a justice of the relevant court. Unless otherwise provided in the rules of
4 procedure of the court, such review shall be on the record and appellate in nature. The court shall,
5 by rules of procedure, establish procedures for review of orders entered by a general magistrate,
6 and for enforcement of contempt adjudications of a general magistrate.

7 (f) Final orders of the superior or family court entered in a proceeding to review an order
8 of a general magistrate may be appealed to the supreme court. Final orders of the district court
9 entered in a proceeding to review an order of the general magistrate may be appealed to the
10 superior court.

11 (g) The general magistrate shall:

12 (1) Receive all credits and retirement allowances as afforded justices under chapter 3 of
13 this title and any other applicable law, including without limitation, section 8-3-16;

14 (2) Receive a salary equivalent to that of a district court judge ~~and be subject to the~~
15 ~~unclassified pay plan board;~~

16 ~~(3) Hold office for life during good behavior;~~ (Repealed)

17 (4) Be governed by the commission on judicial tenure and discipline, chapter 16, of this
18 title, in the same manner as justices and judges;

19 (5) Be subject to all provisions of the canons of judicial ethics or code of judicial
20 conduct;

21 (6) Be subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-
22 7-2.

23 (h) The provisions of this section shall be afforded liberal construction.

24 (i) The ~~chief~~ presiding justice of the ~~supreme~~ superior court shall initially appoint such
25 support staff as may be necessary, relating to preparation, investigation, and implementation of
26 the general magistrate's functions. Effective November 15, 1993, the support staff shall be
27 placed under the supervision and management of the superior court, and new appointments or
28 personnel changes in the support staff shall be subject to the directions and approval of the
29 superior court, consistent with any applicable collective bargaining agreements. The general
30 magistrate shall have the power and authority to issue subpoenas and to compel the attendance of
31 witnesses at any place within the state, to administer oaths and to require testimony under oath.
32 The general magistrate, or his or her designee, may serve his or her process or notices in a manner
33 provided for the service of process and notice in civil or criminal actions in accordance with the
34 rules of court.

1 **8-2-39.1. Special magistrate.** -- There is hereby created within the superior court the
2 position of special magistrate, who shall be appointed by the presiding justice of the superior
3 court, with the advice and consent of the senate, for a period of ten (10) years, and until a
4 successor is appointed and qualified. Nothing contained herein shall be construed to prohibit the
5 reappointment of a special magistrate for one or more additional ten (10) year terms, subject to
6 the advice and consent of the senate. The person appointed to serve as special magistrate shall be
7 a member of the bar of the state of Rhode Island. The special magistrate shall have the duties,
8 responsibilities, powers and benefits as authorized in section 8-2-39.

9 **8-2-39.2. Drug court magistrate -- Appointment, duties and powers.** -- (a) There is
10 hereby created within the superior court the position of Drug Court Magistrate who shall be
11 appointed by the presiding justice of the superior court, with the advice and consent of the senate.
12 The ~~person~~ persons appointed to serve as Drug Court ~~Magistrate~~ Magistrates shall be ~~a member~~
13 members of the bar of Rhode Island. The powers and duties of the Drug Court Magistrate shall be
14 prescribed in the order appointing him or her in addition to those described herein.

15 The Drug Court Magistrate's term shall be ten (10) ~~not exceed three (3)~~ years. ~~His or her~~
16 ~~salary shall be paid not out of state funds, but rather from those funds made available from the~~
17 ~~federal government. If federal funds become available after the expiration of three (3) years,~~
18 ~~nothing~~ Nothing in this article shall prohibit ~~the a~~ Drug Court Magistrate from being reappointed
19 for additional ~~three (3)~~ ten (10) year terms by the presiding justice of the superior court with the
20 advice and consent of the senate. He or she shall receive a salary equivalent to that received by
21 the special magistrate assigned to the superior court.

22 (b) The Drug Court Magistrate shall be empowered to hear and decide as a superior court
23 justice all matters relating to those adult offenders who come before the jurisdiction of the
24 superior court on any offense relating to the offender's participation in the Adult Drug Court. In
25 addition, the Drug Court Magistrate shall have the power to impose a period of incarceration
26 upon a plea of guilty or nolo contendere, and also have the power to confine any person who has
27 been found to be in violation of any conditions previously imposed by the superior court.

28 (c) The Drug Court Magistrate shall be empowered to hear and decide as a superior court
29 justice all matters that may come before the superior court pursuant to chapter 37.1 of title 11
30 "Sexual Offender Registration and Community Notification."

31 (d) The Drug Court Magistrate and/or the presiding justice of the superior court may fix
32 the venue of any person who is before the superior court as a participant in the Adult Drug Court
33 or who is alleged to be a sexual predator, and who has filed an objection to community
34 notification.

1 (e) The Drug Court Magistrate shall be governed by the commission on judicial tenure
2 and discipline, chapter 16 of title 8 in the same manner as justices and judges; shall be subject to
3 all provisions of the canons of judicial ethics or code of judicial conduct; and shall be subject to
4 all criminal laws relative to judges by virtue of sections 11-7-1 and 11-7-2.

5 SECTION 7. Sections 8-8-8.1 and 8-8-16.2 of the General Laws in Chapter 8-8 entitled
6 "District Court" are hereby amended to read as follows:

7 **8-8-8.1. Administrator/clerk -- Magistrate.** -- (a) Administrator/clerk. - There shall be a
8 district court administrator/clerk who shall be appointed by the chief judge in his or her capacity
9 as administrative head of the court, and who shall hold office at the pleasure of the administrative
10 judge. The administrator/clerk shall perform such duties and attend to such matters as may be
11 assigned to the administrator/clerk by the administrative judge, other than those duties assigned to
12 the chief clerk in section 8-8-19. Said duties may be assigned by the chief judge both as to the
13 district court established by this chapter and as to the traffic tribunal established by chapter 8.2 of
14 this title.

15 (b) Magistrate. - Any person holding the position of district court administrator/clerk
16 who is a member of the bar of Rhode Island may be appointed district court magistrate by the
17 chief judge in his or her capacity as administrative head of the court, subject to the advice and
18 consent of the senate. The district court magistrate shall hold said office for a term of ~~twelve (12)~~
19 ten (10) years and until a successor is appointed and qualified; and the magistrate shall retain
20 whatever right he or she may have to the position of district court administrator/clerk pursuant to
21 this section. Nothing herein shall be construed to prohibit the appointment of the magistrate for
22 more than one term, subject to the advice and consent of the senate. Any person holding office of
23 district court magistrate on July 1, 1999 may continue in full authority in said position until such
24 time as an appointment is made and the nominee qualified pursuant to this subsection.

25 (c) The district court magistrate shall have the power to hear and determine such matters
26 as may be assigned to the district court magistrate by the chief judge all to the same effect as if
27 done by a judge of the district court, including but not limited to:

28 (1) Matters relating to the determination of, monitoring, collection, and payment of
29 restitution and court ordered fines, fees, and costs or the ordering of community service in lieu of
30 or in addition to the payment of restitution, fines, fees, and costs, consistent with other provisions
31 of the general laws;

32 (2) Arraignments and pretrial motions in misdemeanor, petty misdemeanor, violation,
33 and ordinance cases and initial appearances and probable cause hearings in felony cases;

34 (3) Bail hearings pursuant to R.I. Const., Art. I, Sec. IX and all other bail matters

1 pursuant to chapter 13 of title 12 and the rules of criminal procedure, including but not limited to
2 motions to modify bail, bail revocation hearings, bail forfeiture hearings, and bail source
3 hearings;

4 (4) All matters relating to fugitives from justice pursuant to chapter 9 of title 12;

5 (5) Probation revocation hearings;

6 (6) All matters relating to small claims and consumer claims pursuant to chapter 16 of
7 title 10, including any pretrial motions including motions relating to the special service of
8 process, the entry of defaults and default judgments, the trial of such cases and the entry of
9 judgment after such trials, and all matters relating to the enforcement of such judgments,
10 including but not limited to the ordering of installment payments and trustee process; and

11 (7) Complaints for judicial review of the decision of an administrative agency pursuant
12 to chapter 35 of title 42 by making proposed findings of fact and recommendations for the
13 disposition of the complaints to a judge of the court. Any party may object to any portion of the
14 magistrate's proposed findings and recommendations within ten (10) days after receipt of a copy
15 thereof. That party shall file with the clerk of the sixth division of the district court and serve on
16 all parties written objections which shall specifically identify the portions of the proposed
17 findings and recommendations to which objection is made and the basis for the objection. A
18 judge shall make a de novo determination of those portions to which objection is made and may
19 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
20 magistrate. Absent a timely objection filed in accordance with this subdivision, the proposed
21 prevailing party shall, upon expiration of the ten (10) days following the service of the
22 magistrate's proposed findings and recommendations, submit a proposed order for signature of
23 the judge to whom the case has been assigned.

24 (8) All matters heard pursuant to chapter 8.2 of this title, in the traffic tribunal.

25 (d) The magistrate may be authorized:

26 (1) To regulate all proceedings before him or her;

27 (2) To do all acts necessary or proper for the efficient performance of his or her duties;

28 (3) To require the production before him or her of books, papers, vouchers, documents,
29 and writings;

30 (4) To rule upon the admissibility of evidence;

31 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
32 examine them, and to call parties to the proceeding and examine them upon oath;

33 (6) To adjudicate a person in contempt and to order him or her fined or to order him or
34 her imprisoned for not more than seventy-two (72) hours, pending review by a judge of the court,

1 for failure to appear in response to a summons or for refusal to answer questions or produce
2 evidence or for behavior disrupting a proceeding or other contempt of his or her authority;

3 (7) To adjudicate a person in contempt and to order him or her fined or to order him or
4 her imprisoned for not more than seventy-two (72) hours, pending review by a judge of the court,
5 for failure to comply with a pending order to provide payment or to perform any other act;

6 (8) To issue a *capias* and/or body attachment for the failure of a party or witness to
7 appear after having been properly served or given notice by the court and, should the court not be
8 in session, the person apprehended may be detained at the adult correctional institution, if an
9 adult, or at the Rhode Island training school for youth, if a child, until the next session of the
10 court;

11 (9) To issue writs of habeas corpus to bring before him or her or a judge of the court any
12 person in jail or in prison to be examined as a witness in a suit or proceeding, civil or criminal,
13 pending before the court, or whose presence is necessary as a party or otherwise necessary so that
14 the ends of justice may be attained, and for no other purpose; and

15 (10) To issue warrants of arrest and search warrants to the same extent as an associate
16 judge of the court.

17 (e) Except as otherwise indicated, a party aggrieved by an order entered by the district
18 court magistrate shall be entitled to a review of the order, whether by appeal or otherwise, in the
19 same manner as if taken from an order issued by a judge of the court; except, that any person
20 aggrieved by an adjudication of contempt by the magistrate shall be entitled to a review by a
21 judge of the court within seventy-two (72) hours. The court shall, by rules of procedure, establish
22 procedures for review of contempt and adjudications of the magistrate.

23 (f) The magistrate shall be:

24 (1) Governed by the commission on judicial tenure and discipline, chapter 16 of this
25 title, in the same manner as justices and judges;

26 (2) Subject to all provisions of the canons of judicial ethics;

27 (3) Subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-7-2.

28 (g) The provisions of this section shall be afforded liberal construction.

29 **8-8-16.2. District court clerk/magistrate.** -- (a) Any person who is a member of the bar
30 of Rhode Island may be appointed district court clerk/magistrate by the chief judge in his or her
31 capacity as administrative head of the court, subject to the advice and consent of the senate. The
32 district court clerk/magistrate shall hold that office for a term of ten (10) years. [Nothing herein](#)
33 [shall be construed to prohibit the assignment of the district court clerk/magistrate to more than](#)
34 [one such term, subject to the advice and consent of the senate.](#) The district court clerk/magistrate

1 shall have the power to hear and determine any matters that may be assigned to the district court
2 clerk/magistrate by the chief judge all to the same effect as if done by a judge of the district court,
3 including, but not limited to, matters relating to the determination of, monitoring, collection and
4 payment of restitution and court ordered fines, fees and costs or the ordering of community
5 service in lieu of or in addition to the payment of restitution, fines, fees and costs, consistent with
6 other provisions of the general laws. The clerk/magistrate may be assigned to hear and decide
7 cases within the traffic tribunal.

8 (b) The clerk/magistrate may be authorized:

9 (1) To regulate all proceedings before him or her;

10 (2) To do all acts necessary or proper for the efficient performance of his or her duties;

11 (3) To require the production before him or her of books, papers, vouchers, documents
12 and writings;

13 (4) To rule upon the admissibility of evidence;

14 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
15 examine them and to call parties to the proceeding and examine them upon oath;

16 (6) To adjudicate a person in contempt and to order him or her fined or to order him or
17 her imprisoned for not more than seventy-two (72) hours, for failure to appear in response to a
18 summons or for refusal to answer questions or produce evidence or for behavior disrupting a
19 proceeding or other contempt of his or her authority; provided; however, that no such
20 imprisonment shall occur prior to review by a judge of the court.

21 (7) To adjudicate a person in contempt and to order him or her fined or to order him or
22 her imprisoned for not more than seventy-two (72) hours, for failure to comply with a pending
23 order to provide payment or to perform any other act; provided, however, that no such
24 imprisonment shall occur prior to review by a judge of the court.

25 (8) To issue a capias and/or body attachment for the failure of a party or witness to
26 appear after having been properly served or given notice by the court and, should the court not be
27 in session, the person apprehended may be detained at the adult correctional institutions, if an
28 adult, or at the Rhode Island training school for youth, if a child, until the next session of the
29 court;

30 (9) To issue writs of habeas corpus to bring before him or her or a judge of the court any
31 person in jail or in prison to be examined as a witness in a suit or proceeding, civil or criminal,
32 pending before the court, or whose presence is necessary as a party or otherwise necessary so that
33 the ends of justice may be attained, and for no other purpose; and

34 (10) To issue warrants of arrest and search warrants to the same extent as an associate

1 judge of the court.

2 (c) Except as otherwise indicated, a party aggrieved by an order entered by the district
3 court clerk/magistrate shall be entitled to a review of the order, whether by appeal or otherwise, in
4 the same manner as if taken from an order issued by a judge of the court; except, that any person
5 aggrieved by an adjudication of contempt by the district court clerk/magistrate shall be entitled to
6 a review by a judge of the court within seventy-two (72) hours. The court shall, by rules of
7 procedure, establish procedures for review of contempt and adjudications of the clerk/magistrate.

8 (d) The district court clerk/magistrate shall:

9 (1) Be governed by the commission on judicial tenure and discipline, pursuant to chapter
10 16 of this title, in the same manner as justices and judges;

11 (2) Be subject to all provisions of the canons of judicial ethics;

12 (3) Be subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-
13 7-2.

14 (4) Receive any salary that may be established by the unclassified pay board. The
15 provisions of this section shall be afforded liberal construction.

16 SECTION 8. Sections 8-8.2-1, 8-8.2-2, 8-8.2-3, 8-8.2-4, 8-8.2-5, 8-8.2-6, 8-8.2-9, 8-8.2-
17 10 and 88.2-17 of the General Laws in Chapter 88.2 entitled "Traffic tribunal" are hereby
18 amended to read as follows:

19 **8-8.2-1. Establishment -- Rule-making authority -- Adjudication of violations.** -- (a)

20 There is hereby established a traffic tribunal which shall be charged with the administration and
21 adjudication of traffic violations within its jurisdiction. The traffic tribunal shall be under the
22 supervision of the chief ~~judge of the district court~~ magistrate of the traffic tribunal, who shall be
23 the administrative head of the traffic tribunal and shall have the power to make rules for
24 regulating practice, procedure and business within the traffic tribunal. Pursuant to section 8-6-2,
25 said rules shall be subject to the approval of the supreme court. Such rules, when effective, shall
26 supersede any statutory regulation in conflict therewith. Any person who has been a member of
27 the bar of Rhode Island may be appointed chief magistrate of the traffic tribunal. The chief
28 magistrate of the traffic tribunal shall be appointed by the chief justice of the supreme court, with
29 the advice and consent of the senate, for a period of ten (10) years and until a successor is
30 appointed and qualified. Nothing contained herein shall be construed to prohibit the
31 reappointment of the chief magistrate for one or more ten (10) year terms subject to the advice
32 and consent of the senate. Compensation for the chief magistrate shall be equal to that of an
33 associate judge of the district court

34 (b) The judges and magistrates of the traffic tribunal shall hear and determine cases as

1 provided by law. No district court judge appointed pursuant to chapter 8 of this title shall be
2 assigned to perform duties of a judge or magistrate of the traffic tribunal under this chapter. ~~The~~
3 ~~chief judge of the district court shall serve as the chief judge of the traffic tribunal.~~ The chief
4 ~~judge~~ magistrate of the ~~district court~~ traffic tribunal may appoint a judge or magistrate who is
5 authorized to hear and decide cases in the traffic tribunal to serve as administrative judge or
6 magistrate of the traffic tribunal and the administrative ~~or~~ judge magistrate shall perform such
7 administrative duties as may be delegated to him or her by the chief ~~judge~~ magistrate.

8 (c)(i) Those judges of the administrative adjudication court in active service on July 1,
9 1999 shall serve within the traffic tribunal. Whenever the total number of judges and magistrates
10 in the traffic tribunal shall be less than seven (7), the chief ~~judge~~ magistrate of the ~~district court~~
11 traffic tribunal, with the advice and consent of the senate, may, as needed, assign a duly qualified
12 member of the bar of this state to act as a magistrate to fill such vacancy and shall submit his or
13 her name to the senate for confirmation. Any magistrate assigned under this section shall serve a
14 term of ~~eight (8)~~ ten (10) years, and shall be in the unclassified service of the state. Nothing
15 herein shall be construed to prohibit the assignment of a magistrate to more than one such term,
16 subject to the advice and consent of the senate. Compensation for any such magistrate shall be
17 ~~determined by the unclassified pay plan board~~ determined by the chief magistrate of the traffic
18 tribunal subject to appropriation by the general assembly but in no event shall the compensation
19 be equal to or more than that of an associate judge of the district court. Magistrates of the traffic
20 tribunal shall participate in the state retirement system in the same manner as all members of the
21 unclassified service.

22 (ii) If any judge of the traffic tribunal shall retire, or vacancy becomes available through
23 death, disability or any other reason, the position shall be filled by a magistrate consistent with
24 the provisions of this section.

25 (d) Each judge and magistrate of the traffic tribunal shall devote full time to his or her
26 judicial duties, except as may be otherwise provided by law. He or she shall not practice law
27 while holding office, nor shall he or she be a partner or associate of any person in the practice of
28 law.

29 (e) Judges and magistrates of the traffic tribunal shall be subject to the provisions of R.I.
30 Const. Art. XI; to the code of judicial conduct or successor code promulgated by the supreme
31 court of this state, to the jurisdiction of the Commission on Judicial Tenure and Discipline in
32 accordance with chapter 16 of this title; and to the administrative authority and control of the
33 chief justice of the supreme court in accordance with chapter 15 of this title, except that section 8-
34 15-3 shall not apply to judges and/or magistrates of the traffic tribunal.

1 (f) The traffic tribunal shall be a tribunal of record and shall have a seal with such words
2 and devices as it shall adopt.

3 (g) Judges and magistrates of the traffic tribunal shall have the power to administer oaths
4 and affirmations.

5 (h) Administrative/supervisory officials. - (1) There shall be an assistant to the
6 administrative ~~judge or~~ magistrate of the traffic tribunal who shall be appointed by and serve at
7 the pleasure of the chief ~~judge~~ magistrate and who shall perform such clerical and administrative
8 duties as may be assigned to him or her by the chief ~~judge of the district court~~ magistrate of the
9 traffic tribunal and the administrative judge ~~or~~ magistrate of the traffic tribunal. The assistant to
10 the administrative judge or magistrate shall have the power to administer oaths and affirmations
11 within the state.

12 (2) There shall be a clerk of the traffic tribunal who shall be appointed by and serve at
13 the pleasure of the chief ~~judge of the district court~~ magistrate of the traffic tribunal; provided,
14 however, that, effective July 1, 1999, the first clerk of the traffic tribunal shall be that person
15 holding the position of administrator/clerk of the administrative adjudication court as of May 1,
16 1998, and that person shall hold office for the balance of a term of twelve (12) years which began
17 on September 1, 1992, without the necessity of appointment by the governor or advice and
18 consent of the senate. The clerk of the traffic tribunal shall exercise his or her functions under the
19 direction and control of the chief ~~judge~~ magistrate of the ~~district court~~ traffic tribunal and the
20 administrative judge ~~or~~ magistrate ~~or of~~ the traffic tribunal. The clerk of the traffic tribunal shall
21 have the power to administer oaths and affirmations within the state.

22 (i) Clerical Personnel/Court Recorders. - (1) The chief ~~judge of the district court~~
23 magistrate of the traffic tribunal shall appoint deputy clerks and assistance clerks for the traffic
24 tribunal to serve at his or her pleasure. All such clerks may administer oaths and affirmations
25 within the state.

26 (2) The chief ~~judge of the district court~~ magistrate of the traffic tribunal shall appoint
27 sufficient court recorders to enable all proceedings to be recorded by electronic means and who
28 shall assist in such other clerical duties as may be prescribed from time to time by the chief ~~judge~~
29 ~~of the district court~~ magistrate of the traffic tribunal

30 (3) The chief ~~judge of the district court~~ magistrate of the traffic tribunal shall employ
31 such clerical assistants in addition to deputy clerks as may be required in the traffic tribunal to
32 perform clerical duties.

33 **8-8.2-2. Jurisdiction.** -- (a) Notwithstanding any inconsistent provision of law, all
34 probationary license hearings as provided in section 31-10-26, all violations of the department of

1 transportation, department of environmental management or board of governors for higher
2 education regulations regarding parking, standing, or stopping in areas under the jurisdiction of
3 said agencies, all violations of state statutes relating to motor vehicles, littering and traffic
4 offenses, except those traffic offenses committed in places within the exclusive jurisdiction of the
5 United States, and except driving so as to endanger resulting in death, driving so as to endanger
6 resulting in personal injury, driving while under the influence of liquor or drugs, driving while
7 under the influence of liquor or drugs resulting in death, driving while under the influence of
8 liquor or drugs resulting in serious bodily injury, reckless driving and other offenses against
9 public safety as provided in section 31-27-4, eluding a law enforcement officer with a motor
10 vehicle in a high speed pursuit, driving after denial, suspension or revocation of license, and
11 leaving the scene of an accident in violation of section 31-26-1 and section 31-26-2, and driving
12 without the consent of the owner and possession of a stolen motor vehicle in violation of section
13 31-9-1 and section 31-9-2, shall be heard and determined by the traffic tribunal pursuant to the
14 regulations promulgated by the chief ~~judge of the district court~~ magistrate of the traffic tribunal;
15 provided, however, the traffic tribunal shall not hear any parking, standing or stopping violations
16 which occur in any city or town which has established its own municipal court and has
17 jurisdiction over such violations. Nothing contained herein shall abrogate the powers of the
18 Rhode Island family court under the provisions of chapter 1 of title 14.

19 (b) Notwithstanding any inconsistent provision of law, the traffic tribunal shall have
20 concurrent jurisdiction to hear and determine, pursuant to rules and regulations promulgated by
21 the chief ~~judge of the district court~~ magistrate of the traffic tribunal, all violations of any
22 ordinances, rules and regulations governing the public waters and the speed, management and
23 control of all vessels and the size, type and location and use of all anchorages and moorings
24 within the jurisdiction of the towns of North Kingstown, South Kingstown, Portsmouth,
25 Middletown, Narragansett and Tiverton enforced and supervised by the harbor master and referred
26 to the traffic tribunal, and the terms "traffic violations" and "traffic infraction" when used in this
27 chapter shall include the aforesaid violations and such violations shall be adjudicated in
28 accordance with the provisions of this chapter. Nothing contained herein shall abrogate the
29 powers of the Rhode Island coastal management council under the provisions of chapter 23 of
30 title 46.

31 **8-8.2-3. Collection authority -- Contempt.** -- (a) A judge or magistrate shall have the
32 authority to enforce the judgments of the tribunal as authorized by law. The procedure for the
33 collection of costs and fines shall generally follow the course of the collection of civil judgments
34 pursuant to chapters 17 and 28 of title 9 to the extent applicable. A judge or magistrate shall not

1 issue a body attachment for any judgment entered prior to the effective date of this section. All
2 peace officers authorized by the law shall exercise the powers of a constable for purposes of
3 making service of any writ or notice issued by the traffic tribunal pursuant to this collection
4 procedure, including the execution of a body attachment. In the event that a body attachment is
5 executed, the detainee must be brought before a judge or magistrate, or if the traffic tribunal is not
6 in session before a justice of the peace authorized pursuant to section 12-10-2 immediately upon
7 detention or as soon thereafter as is reasonably practicable. The amount of fees and fines due to
8 the traffic tribunal shall be noted on a body attachment issued pursuant to this procedure, and a
9 justice of the peace shall accept said monies and order the release of the detainee if the amount
10 due is tendered. If the detainee claims an inability to pay the full amount due, the justice of the
11 peace shall order the release of the detainee pursuant to reasonable bail. The chief ~~judge of the~~
12 ~~district court~~ magistrate of the traffic tribunal shall issue rules and regulations for the collection
13 process consistent with this section.

14 (b) A judge or magistrate of the traffic tribunal may adjudicate a person in willful
15 contempt and order him or her fined up to a maximum of five hundred dollars (\$500) for each
16 separate offense. Provided further that, if the judge or magistrate determines that the person is
17 unable to pay the fine or judgment, he or she may order partial payments or establish a payment
18 schedule for the payment of the fine or judgment.

19 **8-8.2-4. Subpoena. --** (a) The traffic tribunal through its judges, magistrates and clerks is
20 hereby authorized and empowered to summon defendants and issue subpoenas to the same extent
21 as they may be issued by the district court in civil cases in such forms as may be prescribed by
22 rules promulgated by the chief ~~judge of the district~~ magistrate of the traffic tribunal pursuant to
23 section 8-6-2.

24 (b) Notaries public and justices of the peace may issue subpoenas returnable before the
25 traffic tribunal to the same extent that they are authorized to do so in civil cases pending before
26 the district court.

27 **8-8.2-5. Security officers -- Powers. --** (a) All full time security officers employed by
28 the traffic tribunal shall have the same immunities and may exercise all powers of sheriffs, city
29 and town police officers, and constables when the security officers are enforcing the laws of this
30 state, and all rules and regulations of the traffic tribunal upon the lands and buildings owned or
31 occupied by the traffic tribunal upon streets and highways immediately adjacent to those lands or
32 when in attendance with a judge or magistrate.

33 (b) All security officers shall be required to attend the Rhode Island municipal police
34 academy for a period of forty (40) hours for the purpose of training in law enforcement.

1 (c) When any person is suspected of having committed a felony the superintendent of
2 state police shall be notified following the suspected felon's arrest.

3 (d) When acting as a constable with the authorization of the Chief ~~Judge~~ Magistrate, he
4 or she may exercise all powers under Rhode Island sections 8-8-12(10) and 8-8-23.

5 **8-8.2-6. Retirement of judges on reduced pay.** -- (a) Whenever any person engaged as
6 a judge on or before July 2, 1997, has served as a judge of the administrative adjudication court or
7 as a judge of the administrative adjudication court who is reassigned by this chapter to the traffic
8 tribunal for twenty (20) years, or has so served for ten (10) years and has reached the age of sixty
9 five (65) years, the judge may retire from active service and, thereafter, the judge shall receive
10 annually during life a sum equal to three fourths (3/4) of the annual salary that the judge was
11 receiving at the time of retirement; provided, however, any person who has served for twenty (20)
12 years and has reached the age of sixty five (65) years, or has so served for fifteen (15) years and
13 reached the age of seventy (70) years, may retired from active service and, thereafter, the judge
14 shall receive annually during his or her life a sum equal to the annual salary he or she was
15 receiving at the time of his or her retirement. In determining eligibility under this section, any
16 judge who has served within the judiciary or as a hearing officer or administrative law judge, may
17 include such service as if the service had been on the administrative adjudication court and shall
18 be included under the provisions of section 36-9-5.

19 (b) Any judge who shall retire in accordance with the provisions of this section may at
20 his or her request, and at the direction of the chief justice of the supreme court subject to the
21 retiree's physical and mental competence, be assigned to perform such services as a judge or
22 magistrate in the traffic tribunal as the chief ~~judge of the district court~~ magistrate of the traffic
23 tribunal or the chief justice shall prescribe. When so assigned and performing that service, he or
24 she shall have all the powers and authority of a judge or magistrate. A retired judge shall not be
25 counted in the number of magistrates provided by law for the traffic tribunal nor shall he or she
26 receive any further emolument other than his or her retirement pay for the performance of the
27 aforesaid services.

28 **8-8.2-9. Retirement of judges on reduced pay.** -- (a) Whenever any person first
29 engaged as a judge subsequent to July 2, 1997, has served as a judge of the administrative
30 adjudication court or as a judge of the administrative adjudication court who is reassigned by this
31 chapter to the traffic tribunal for twenty (20) years, or has so served for ten (10) years and has
32 reached the age of sixty five (65) years, the judge may retire from active service and, thereafter,
33 the judge shall receive annually during life a sum equal to three fourths (3/4) of his or her average
34 highest three (3) consecutive years of compensation; provided, however any such person who has

1 served twenty (20) years and has reached the age sixty five (65) or has served fifteen (15) years
2 and has reached the age of seventy (70) years, may retire from active service and, thereafter, the
3 judge shall receive annually during life a sum equal to his or her average highest three (3)
4 consecutive years of compensation. In determining eligibility under this section, any judge who
5 has served within the judiciary or as a hearing officer or administrative law judge, may include
6 such service as if the service had been on the administrative adjudication court and shall be
7 included under the provision of section 36-9-5.

8 (b) Any judge who shall retire in accordance with the provisions of this section may at
9 his or her own request, and at the direction of the chief justice of the supreme court subject to the
10 retiree's physical and mental competence, be assigned to perform such services as a magistrate in
11 the traffic tribunal as the chief ~~judge~~ magistrate or chief justice shall prescribe. When so assigned
12 and performing that service, he or she shall have all the powers and authority of a magistrate. A
13 retired judge shall not be counted in the number of magistrates provided by law for the division of
14 traffic adjudication nor shall he or she receive any further emolument other than his or her
15 retirement pay for the performance of the aforesaid services.

16 **8-8.2-10. No incremental retirement benefit for temporary service as chief justice,**
17 **presiding justice or chief judge.** -- No increment in salary resulting from the application of
18 personnel rule 4.0217 or any other or successor rule or regulation providing for an increment in
19 salary for temporary service as chief justice, presiding justice or chief ~~judge~~ magistrate shall be
20 construed to add to the annual salary of a judicial officer for purposes of retirement under section
21 8-8.2-6 or section 8-8.2-9.

22 ~~**8-8.2-17. Continued service.** -- Any person appointed as magistrate of the traffic tribunal~~
23 ~~pursuant to the provisions of P.L. 1998, ch. 91, article 2, shall continue to serve in such capacity~~
24 ~~in the traffic tribunal for a term of eight (8) years from the date of his or her appointment and~~
25 ~~shall be governed by the provisions of section 8-8.2-1, as enumerated in article 4 of this act and as~~
26 ~~amended.~~

27 SECTION 9. Sections 8-10-3, 8-10-3.1 and 8-10-3.2 of the General Laws in Chapter 8-10
28 entitled "Family Court" are hereby amended to read as follows:

29 ~~**8-10-3. Establishment of court -- Jurisdiction -- Seal -- Oaths -- Masters.** --~~
30 **Establishment of court – Jurisdiction – Seal – Oaths.** -- (a) There is hereby established a
31 family court, consisting of a chief judge and eleven (11) associate justices, to hear and determine
32 all petitions for divorce from the bond of marriage and from bed and board; all motions for
33 allowance, alimony, support and custody of children, allowance of counsel and witness fees, and
34 other matters arising out of petitions and motions relative to real and personal property in aid

1 thereof, including, but not limited to, partitions, accountings, receiverships, sequestration of
2 assets, resulting and constructive trust, impressions of trust, and such other equitable matters
3 arising out of the family relationship, wherein jurisdiction is acquired by the court by the filing of
4 petitions for divorce, bed and board and separate maintenance; all motions for allowance for
5 support and educational costs of children attending high school at the time of their eighteenth
6 (18th) birthday and up to ninety (90) days after high school graduation, but in no case beyond
7 their nineteenth (19th) birthday; enforcement of any order or decree granting alimony and/or
8 child support, and/or custody and/or visitation of any court of competent jurisdiction of another
9 state; modification of any order or decree granting alimony and/or custody and/or visitation of
10 any court of competent jurisdiction of another state on the ground that there has been a change of
11 circumstances; modification of any order or decree granting child support of any court of
12 competent jurisdiction of another state provided: (1) the order has been registered in Rhode Island
13 for the purposes of modification pursuant to section 15-23.1-611, or (2) Rhode Island issued the
14 order and has continuing exclusive jurisdiction over the parties; antenuptial agreements, property
15 settlement agreements and all other contracts between persons, who at the time of execution of
16 the contracts, were husband and wife or planned to enter into that relationship; complaints for
17 support of parents and children; those matters relating to delinquent, wayward, dependent,
18 neglected, or children with disabilities who by reason of any disability requires special education
19 or treatment and other related services; to hear and determine all petitions for guardianship of any
20 child who has been placed in the care, custody, and control of the department for children, youth,
21 and families pursuant to the provisions of chapter 1 of title 14 and chapter 11 of title 40; adoption
22 of children under eighteen (18) years of age; change of names of children under the age of
23 eighteen (18) years; paternity of children born out of wedlock and provision for the support and
24 disposition of such children or their mothers; child marriages; those matters referred to the court
25 in accordance with the provisions of section 14-1-28; those matters relating to adults who shall be
26 involved with paternity of children born out of wedlock; responsibility for or contributing to the
27 delinquency, waywardness, or neglect of children under sixteen (16) years of age; desertion,
28 abandonment, or failure to provide subsistence for any children dependent upon such adults for
29 support; neglect to send any child to school as required by law; bastardy proceedings and custody
30 to children in proceedings, whether or not supported by petitions for divorce or separate
31 maintenance or for relief without commencement of divorce proceedings; and appeals of
32 administrative decisions concerning setoff of income tax refunds for past due child support in
33 accordance with sections 44-30.1-5 and 40-6-21. The holding of real estate as tenants by the
34 entirety shall not in and of itself preclude the family court from partitioning real estate so held for

1 a period of six (6) months after the entry of final decree of divorce.

2 (b) The family court shall be a court of record and shall have a seal which shall contain
3 such words and devices as the court shall adopt.

4 (c) The judges and clerk of the family court shall have power to administer oaths and
5 affirmations.

6 ~~(d) The chief judge of the family court is hereby empowered to appoint experienced~~
7 ~~members of the Rhode Island bar as masters for the purpose of assisting the family court in~~
8 ~~matters pertaining to delinquent support payments and the taking of testimony in conducting all~~
9 ~~hearings relative to responsible persons who are not living up to their support obligations. The~~
10 ~~chief judge of the family court is also authorized to appoint masters in related matters pertaining~~
11 ~~to the collection of delinquent support payments from these responsible persons.~~

12 (e) The family court shall have exclusive initial jurisdiction of all appeals from any
13 administrative agency or board affecting or concerning children under the age of eighteen (18)
14 years and appeals of administrative decisions concerning setoff of income tax refunds, lottery set
15 offs, insurance intercept, and lien enforcement provisions for past due child support, in
16 accordance with sections 44-30.1-5 and 40-6-21, and appeals of administrative agency orders of
17 the department of human services to withhold income under chapter 16 of title 15.

18 (f) The family court shall have jurisdiction over those civil matters relating to the
19 enforcement of laws regulating child care providers and child placing agencies.

20 (g) The family court shall have exclusive jurisdiction of matters relating to the
21 revocation or nonrenewal of a license of an obligor due to noncompliance with a court order of
22 support, in accordance with chapter 11.1 of title 15.

23 [See section 12-1-15 of the General Laws.]

24 **8-10-3.1. Magistrates -- Appointment, duties, and powers.** -- (a) The [chief judge of the](#)
25 [family](#) court may appoint magistrates, [with the advice and consent of the senate](#), to assist the
26 court in the conduct of its business. A person appointed to serve as a magistrate shall be a
27 member of the bar of Rhode Island. The powers and duties of magistrates shall be prescribed in
28 the order appointing them.

29 (b) In addition, the chief judge of the family court may appoint magistrates to assist the
30 court in the enforcement and implementation of chapter 23.1 of title 15, and to assist the family
31 court in matters pertaining to hearings in accordance with section 8-10-4, chapter 1 of title 14,
32 chapter 8 of title 15, chapter 11 of title 40, and chapter 5 of title 40.1. The magistrate will be
33 empowered to hear all motions, pretrial conferences, arraignments of juvenile offenders, probable
34 cause hearings, and review of all such matters, including but not limited to, the temporary

1 placement, custody, disposition and adoption of children, and the taking of testimony in
2 conducting all hearings relative thereto.

3 (c) The magistrates shall serve ~~at the pleasure of the chief judge~~ a term of ten (10) years
4 and his or her powers and duties shall be prescribed in the order appointing him or her or in the
5 rules of procedure of the family court. Nothing herein shall be construed to prohibit the
6 assignment of a magistrate to more than one such term, subject to the advice and consent of the
7 senate. The ~~special~~ magistrates may be authorized:

8 (1) To regulate all proceedings before him or her;

9 (2) To do all acts and take all measures necessary or proper for the efficient performance
10 of his or her duties;

11 (3) To require the production before him or her of books, papers, vouchers, documents,
12 and writings;

13 (4) To rule upon the admissibility of evidence;

14 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
15 examine them, and to call parties to the proceeding and examine them upon oath;

16 (6) To adjudicate a person in contempt and to order him or her imprisoned for not more
17 than seventy-two (72) hours, pending review by a justice of the court, for failure to appear in
18 response to a summons or for refusal to answer questions or produce evidence or for behavior
19 disrupting a proceeding;

20 (7) To adjudicate a party in contempt and to order him or her imprisoned for not more
21 than seventy-two (72) hours, pending review by a justice of the court, for failure to comply with a
22 pending order to provide support or to perform any other act; and

23 (8) To issue a *capias* and/or body attachment upon the failure of a party or witness to
24 appear after having been properly served and, should the family court not be in session, the
25 person apprehended may be detained at the adult correctional institution, if an adult, or at the
26 Rhode Island training school for youth, if a child, until the next session of the family court.

27 (d) A party aggrieved by an order entered by a magistrate shall be entitled to a review of
28 the order by a justice of the family court. Unless otherwise provided in the rules of procedure of
29 the family court, such review shall be on the record and appellate in nature. The family court shall
30 by rules of procedure establish procedures for review of orders entered by a magistrate, and for
31 enforcement of contempt adjudications of a magistrate.

32 (e) Final orders of the family court entered in a proceeding to review an order of a
33 magistrate may be appealed to the supreme court.

34 (f) The magistrates shall be empowered to hear *de novo* all applications for income

1 withholding pursuant to chapter 16 of title 15 and appeals of administrative agency orders of the
2 department of human services to withhold income under chapter 16 of title 15.

3 (g) The magistrates shall be empowered to hear all matters relating to the revocation or
4 nonrenewal of a license of an obligor due to non-compliance with a court order of support, in
5 accordance with chapter 11.1 of title 15.

6 (h) The magistrates may be authorized by the chief judge to hear those matters on the
7 domestic abuse prevention calendar and the nominal calendar.

8 [See section 12-1-15 of the General Laws.]

9 **8-10-3.2. General magistrate of the family court.** -- (a) There is hereby created within
10 the family court the position of general magistrate of the family court who shall be appointed by
11 the ~~governor~~ chief judge of the family court with the advice and consent of the senate for a ~~life~~
12 term of ten (10) years. Nothing herein shall be construed to prohibit the assignment of the general
13 magistrate to more than one such term, subject to the advice and consent of the senate.

14 (b) The general magistrate shall be an attorney at law and a member in good standing of
15 the Rhode Island bar. ~~with a minimum of ten (10) years experience as a general magistrate in the~~
16 ~~Rhode Island family court.~~

17 (c) The primary function of the general magistrate shall be the enforcement of child
18 support decrees, orders, and law relative to child support. The general magistrate shall have all
19 the authority and powers vested in magistrates by virtue of sections 8-10-3, 8-10-3.1, 9-15-19, 9-
20 15-21, 9-14-26, 9-18-8, 9-18-9, and 36-2-3, and any other authority conferred upon magistrates
21 by any general or public law or by any rule of procedure or practice of any court within the state.

22 (d) The chief justice of the supreme court with the agreement of the chief judge of the
23 family court may specially assign the general magistrate to perform judicial duties within any
24 court of the unified judicial system in the same manner as a judge may be assigned pursuant to
25 chapter 15 of this title; provided, however, that the general magistrate may be assigned to the
26 superior court subject to the prior approval of the presiding justice of the superior court. When the
27 general magistrate is so assigned he or she shall be vested, authorized, and empowered with all
28 the powers belonging to the justices of the court to which he or she is specially assigned.

29 (e) The general magistrate shall:

30 (1) Receive all credits and retirement allowances as afforded justices under chapter 3 of
31 this title and any other applicable law;

32 (2) Be governed by the commission on judicial tenure and discipline, chapter 16 of this
33 title, in the same manner as justices and workers' compensation judges;

34 (3) Be entitled to a special license plate under section 31-3-47;

1 (4) Receive a salary equivalent to that of a district court judge ~~and shall be subject to the~~
2 ~~unclassified pay plan board;~~

3 (5) Be subject to all the provisions of the canons of judicial ethics; and

4 (6) Be subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-
5 7-2.

6 (f) The provisions of this section shall be afforded liberal construction.

7 SECTION 10. The general assembly hereby requires the governor to submit, as part of
8 his FY 2009 budget, necessary legislation to create a department of advocacy, with an effective
9 date of no sooner than July 1, 2008, and no later than January 1, 2009.

10 The department shall include the child advocate, mental health advocate, commission on
11 deaf and hard of hearing, developmental disabilities council, and the commission on disabilities.

12 The governor with advice and consent of the senate shall appoint the child advocate and
13 the mental health advocate, as detailed in existing statutes. All agencies combined into this new
14 department shall maintain existing duties as set forth in current law.

15 The department shall consolidate communications, and overhead expenditures.

16 SECTION 11. Public Law 1997, Chapter 30, Article 25, Section 1 is hereby deleted in its
17 entirety.

18 ~~SECTION 1. There is hereby created a Program to be known as the Boards for Design~~
19 ~~Professionals, hereafter referred to as the "Program".~~

20 ~~(a) The Program shall consist of the board of registration for professional engineers,~~
21 ~~board of registration for professional land surveyors, board of examination and registration of~~
22 ~~architects, and board of examiners of landscape architects.~~

23 ~~(b) The purpose of the Program is to combine the resources of the four (4) boards within~~
24 ~~the Program in a cooperative venture to provide for more efficient operations.~~

25 ~~(c) The boards shall retain their respective statutory authority pursuant to sections 5-1-5,~~
26 ~~5-51-2, 5-8-8, and 5-8.1-4 of the general laws and any other applicable legal authority,~~
27 ~~notwithstanding their inclusion in the Program created by this article.~~

28 SECTION 12. (a) There shall be created within the department of business regulation, no
29 later than January 1, 2008, a division to be known as the division of design professionals.

30 (1) The division shall consist of the membership of the board of registration for
31 professional engineers, board of professional land surveyors, board of examination and
32 registration of architects, and the board of examiners of landscape architects.

33 (2) The purpose of the division is to combine the four (4) boards into a single division to
34 provide for more efficient operation.

1 (3) The boards shall retain their respective statutory authority pursuant to sections 5-1-5,
2 5-8-8, 5-8.1-4 and 5-51-2 of the general laws and any other applicable legal authority
3 notwithstanding their inclusion in the division created by this article.

4 (4) The department of business regulation shall provide suitable and adequate space for
5 the division.

6 (5) The division shall consist of members of each board as presently constituted;
7 provided, however, that each board shall be entitled to cast two (2) votes regardless of the number
8 of members of each board. The governor shall appoint a chairman of the division from a member
9 of one of the boards for a period of five (5) years. The governor's choice of chairman for each
10 five (5) year successive period shall rotate among the members of the remaining boards so that a
11 member of each board shall serve as chairman once every fourth successive period. There shall be
12 no compensation for the members and the chairman of the division.

13 (6) There shall be no new appointments to any of the boards until such time as it is
14 necessary to maintain the membership of each board at two (2) members.

15 SECTION 13. The general assembly hereby requires the governor to submit as part of his
16 FY 2009 budget necessary recommended legislation to create a department of public safety, with
17 an effective date no sooner than July 1, 2008 and no later than January 1, 2009. The director of
18 the department shall be the superintendent of the state police who shall be appointed by the
19 governor with the advice and consent of the senate.

20 The department shall include the state police, E-911 emergency telephone system
21 division, the state fire marshal who shall be appointed by the governor with the advice and
22 consent of the senate, fire safety code board of appeal and review, justice commission, municipal
23 police training academy, sheriffs and capital police.

24 The department shall consolidate communications, training facilities and training among
25 the divisions.

26 SECTION 14. Chapter 42-11 of the General Laws entitled "Department of
27 Administration" is hereby amended by adding thereto the following section:

28 **42-11-22. Transfer of functions from the department of environmental management.**

29 -- There are hereby transferred to the department of administration those functions formerly
30 administered by the department of environmental management relating to administrative
31 adjudication for environmental matters. These functions, which had previously been provided
32 pursuant to the provisions of chapter 42-17.7, are transferred to the department of administration
33 together with all hearing officers and resources attendant thereto. In order to provide for
34 administrative continuity, the director of the department of administration, in consultation with

1 the director of the department of environmental management, shall make the final determination
2 regarding the transfer of functions and resources relating to administrative adjudication for
3 environmental matters.

4 SECTION 15. Chapter 42-17.7 of the General Laws entitled “Administrative
5 Adjudication for Environmental Matters” is hereby amended by adding thereto the following
6 section:

7 **42-17.7-10. Transfer of powers and functions from department of environmental**
8 **management.** -- (a) There are hereby transferred to the department of administration:

9 (1) Those functions of the department of environmental management which were
10 administered through or with respect to administrative adjudication as defined in § 42-17.7-1 et
11 seq.;

12 (2) All officers of the department of environmental management who were performing
13 administrative adjudication functions as defined in § 42-17.7; and

14 (3) So much of other functions or parts of functions and resources, physical and funded,
15 related thereto of the director of environmental management as are incidental to and necessary for
16 the performance of the functions transferred by subdivisions (1) and (2) of this section.

17 (4) The director of the department of environmental management retains authority to
18 adopt, modify or reject the recommendation of the hearing officer pursuant to § 42-17.7-6.

19 SECTION 16. Section 42-17.7-4 of the General Laws in Chapter 42-17.7 entitled
20 "Administrative Adjudication for Environmental Matters" is hereby repealed.

21 ~~**42-17.7-4. Clerk -- Appointment -- Powers and duties -- Compensation.** -- (1) There~~
22 ~~shall be an administrative clerk of the division of administrative adjudication. The governor, with~~
23 ~~the advice and consent of the senate, shall appoint the administrative clerk.~~

24 ~~--(2) The clerk shall have the custody of the seal of the administrative adjudication~~
25 ~~division, have general charge of the office, keep a full record of proceedings, file and preserve all~~
26 ~~documents and papers entrusted to his or her care, prepare such papers and notices as may be~~
27 ~~required by the director or the hearing officers, and perform such other duties as may be~~
28 ~~prescribed. The clerk shall have the power to issue subpoenas for witnesses and documents and to~~
29 ~~administer oaths in all cases before any hearing officer or pertaining to the duties of his or her~~
30 ~~office.~~

31 ~~--(3) The clerk shall be a member of the classified service.~~

32 SECTION 17. Sections 11-47-17 and 11-47-17.1 of the General Laws in Chapter 11-47
33 entitled “Weapons” are hereby amended to read as follows:

34 **11-47-17. Qualifications required of law enforcement officers appointed after June**

1 **17, 1959.** – Except as provided in § 11-47-15.3, all law enforcement officers of this state and its
2 political subdivisions whose permanent appointment shall take place after June 17, 1959, will be
3 required to qualify with the pistol or revolver with which they are armed prior to their permanent
4 appointment, that qualification to be the same as that required in § 11-47-15. Constables, special
5 officers, and all law enforcement officers who by law are authorized to carry side-arms and
6 whose appointments are made on a recurring basis will be required to qualify not later than one
7 year following the date of enactment of this section, and their commissions or warrants will be
8 plainly marked or stamped "QUALIFIED WITH PISTOL OR REVOLVER" and will be signed
9 and dated by the certifying authority attesting to that fact. The failure of any law enforcement
10 officer to qualify under the provisions of this section revokes his or her privilege of carrying a
11 pistol or revolver, whether concealed or not, on or about his or her person. All law enforcement
12 officers of this state and its political subdivisions will repeat this qualification at periods of not
13 more than one year, [except for correctional officers who must repeat this qualification every two](#)
14 [\(2\) years.](#)

15 **11-47-17.1. Mandatory or discretionary nature of § 11-47-15.1 requirements –**
16 **Qualification reports to be filed.** – (a) All law enforcement officers of this state and its political
17 subdivisions, whose permanent appointment shall take place later than June 6, 1970, shall be
18 required to qualify with the pistol or revolver with which they are armed prior to their permanent
19 appointment, that qualification to be as required in §§ 11-47-15.1 and 11-47-15.3. All permanent
20 appointed law enforcement officers of this state and its political subdivisions who are required to
21 qualify under § 11-47-17 may, at the discretion of the officer, qualify under either § 11-47-15, 11-
22 47-15.1 or 11-47-15.3. The failure of any law enforcement officer to qualify under the provisions
23 of this section revokes his or her privilege of carrying a pistol or revolver, whether concealed or
24 not, on or about his or her person. Qualification under this section will be required at periods of
25 not more than one year, [except for correctional officers who must repeat this qualification every](#)
26 [two \(2\) years.](#)

27 (b) Copies of all of the qualification reports shall be filed with the office of the attorney
28 general.

29 SECTION 18. Section 8 of this article shall take effect July 1, 2007. The remainder of
30 this article shall take effect upon passage.

31
32