

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF BUSINESS REGULATION (INCLUDES THE OFFICE OF THE
HEALTH INSURANCE COMMISSIONER)**

Title of Rule: Certified Constables

Rule Identifier: 230-RICR-30-40-1

Rulemaking Action: Proposed Adoption

Important Dates:

Date of Public Notice: 10/05/2021

Hearing Date: 10/21/2021

End of Public Comment: 11/04/2021

Authority for this Rulemaking:

R.I. Gen. Laws § 9-5-10.1

Summary of Rulemaking Action:

Though the proposed regulations represent a new regulation, most of the regulatory provisions merely represent a codification of existing practices and procedures. The following summary represents where the regulations depart from existing practices and procedures, thereby alerting the public to substantial changes:

- § 1.5(B)(8)-(13): This section on Licensing represents the recent changes to R.I. Gen. Laws § 9-5-10.1(2), enacted on July 6, 2021, which includes new requirements for licensure.
- § 1.8: This section entitled "Conduct," codifies what was previously published as a guide by the Department and considers previous historical documents published by the Judiciary.
- § 1.11(A): This section entitled "Civil Arrests" requires the Certified Constable applicant/licensee to notify the Department if he/she intends to effect civil arrests (body attachments).
- § 1.12(B)(1): This section entitled "Records Retention" requires licensees to retain a copy of any document not filed in the Court's Electronic Filing System for a minimum of two years.
- § 1.13: This section entitled "Training Constables" requires a Training Constable to be paid \$1,500.00 for training an applicant and requires that in order to be a Training Constable one must agree to be randomly assigned a trainee

by the Department if the applicant cannot find or secure a Training Constable on his/her own.

· § 1.15(E): This section entitled "Enforcement and Penalties" specifies that the Department will apply § 28-5.1-14, *The Fair Chance Act*, when evaluating any disciplinary action based on an applicant's/licensee's criminal history information.

A public hearing on this proposed adoption will be held via Zoom Webinar on Thursday, October 21, 2021, at 11:00 am. The hearing may be accessed at here: <https://us02web.zoom.us/j/84943519868> or Join the Webinar by Phone - 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free), Webinar ID: 849 4351 9868.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed adoption until November 4, 2021 by contacting the appropriate party at the address listed below:

Diane Paravisini
Department of Business Regulation (includes the Office of the Health Insurance Commissioner)
1511 Pontiac Ave, Bldg. 68-1
Cranston, RI 02920
Diane.Paravisini@dbri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed adoption shall be held on October 21, 2021 at 11:00 am at <https://us02web.zoom.us/j/84943519868>, (Toll Free) 833 548 0276 or 833 548 0282, Webinar ID: 849 4351 9868, Cranston, RI 02920 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-462-9551 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:

There are no changes to licensing fees for the existing licensees. However, the proposed regulations do require that Training Constables be compensated by new applicants for their training.

The societal benefits to Rhode Islanders from the proposed Certified Constables' Regulation are that the regulatory scheme codifies already existing practices and

procedures of Certified Constables' licensing, renewal, professional standards and discipline with common-sense updates and clear processes.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For full regulatory analysis or supporting documentation see agency contact person above.