

2018 -- S 2796

=====
LC005369
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO EDUCATION

Introduced By: Senators P Fogarty, McCaffrey, Archambault, and Goodwin

Date Introduced: April 05, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Findings

2 The general assembly finds that the education and nurturing of our youth occurs best in a
3 safe and secure environment, free from the threat of violence from within the school community
4 and the interference of persons who do not belong on school property.

5 That the proliferation of gun violence in schools, across our nation, requires us to take a
6 more thoughtful approach to finding solutions to providing safe schools and to share the burden
7 equitably.

8 That these instances of extreme violence have a profound emotional and economic effect
9 on more than just the community in which they occur, but on society as a whole.

10 Safe schools require not only structurally sound buildings, but the utilization of modern
11 security measures combined with the knowledge and experience already present in our
12 communities.

13 By combining enhanced safety and security measures in our schools, with the
14 employment of persons experienced and trained in law enforcement and threat assessment we can
15 offer our students not only the safe environment in which they can flourish but the opportunity to
16 build a trusting relationship with the police.

17 That the costs of such programs should not be the responsibility wholly of the people but
18 should be borne in part by those persons who have already committed crimes of violence with
19 guns, contributed to the drug problem facing our society, participated in organized corruption or

1 otherwise wish to avail themselves to the opportunity to gain a fresh start.

2 Each city or town shall be entitled to determine how to best integrate the state
3 requirements for the needs of its community.

4 SECTION 2. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
5 by adding thereto the following chapter:

6 CHAPTER 21.7

7 SAFE SCHOOL PROGRAM

8 **16-21.7-1. Safe school program.**

9 This chapter shall be known and may be cited as the "Safe School Program."

10 **16-21.7-2. Intent.**

11 It is the legislative intent of this chapter to establish a systematic approach to providing
12 safe and secure schools for our children to attend while allowing each community the opportunity
13 to determine how to best utilize their financial resources in accomplishing those purposes.

14 **16-21.7-3. School resource officer.**

15 (a) As used in this chapter "school resource officer" ("SRO") means any person, certified
16 under the provisions of this chapter, employed to provide ancillary services related to student
17 safety:

18 (1) School resource officers, may be:

19 (i) Employed as police officers within the district, and with the approval of the school
20 department;

21 (ii) Employed by the school district with the approval of the chief of police of the
22 municipality, and whose approval shall not be unduly withheld; or

23 (iii) Employed by the school department as a substitute as provided for in § 16-11.5-7.

24 (2) School resource officers, not employed as police officers within the district, shall
25 remain under the direction of the chief of police, the director of public safety, the director of
26 school security, and/or the chief school resource officer in all matters related to school security
27 and as determined by their community;

28 (3) School resource officers are not substitutes for regularly employed police officers in
29 the community nor are their responsibilities primarily related to the enforcement of criminal laws
30 within and around the school building for which they are responsible.

31 **16-21.7-4. General qualifications of school resource officer.**

32 No person shall be employed as a school resource officer in any school supported in
33 whole or in part by public funds unless they shall:

34 (1) Submit to a criminal records review as provided for in § 16-2-18.1;

- 1 (2) Hold a high school diploma or general equivalency diploma;
2 (3) Pass the municipal police training academy, the Providence police training academy,
3 the state police training academy or other substantially similar state, municipal or military law
4 enforcement training approved by the department of public safety;
5 (4) Have five (5) or more years of law enforcement experience;
6 (5) Be permitted and regularly qualified to carry a firearm under the provisions of §§11-
7 47-9 or 11-47-18(b); and
8 (6) Complete a training program in compliance with the school resource officer program
9 standards developed by the department of elementary and secondary education pursuant to § 16-
10 21.7-5.
11 (7) The training program shall not be required of those persons employed as a school
12 resource officer in a Rhode Island school district prior to July 1, 2018, or those who, in addition
13 to having passed the requirements as set forth in subsection (3) of this section, hold certification
14 as a teacher.
15 (8) Maintain certification as a school resource officer.

16 **16-21.7-5. Certification and training.**

17 (a) The department of elementary and secondary education shall, in conjunction with the
18 department of public safety, the Rhode Island Police Chiefs' Association and the National
19 Association of School Resource Officers, coordinate the development of a certificate program
20 and other related continuing education materials for school resource officers. Such program
21 standards and materials shall include, but be not limited to, training in:

- 22 (1) School law;
23 (2) Community policing;
24 (3) Foundations of school-based law enforcement;
25 (4) The SRO as a teacher/guest speaker/mentor;
26 (5) Diversity;
27 (6) Understanding special needs students;
28 (7) Social media;
29 (8) School safety and emergency operation plans; and
30 (9) Threat response – preventing violence in school settings.

31 **16-21.7-6. Continued professional development of school resource officers.**

32 (a) As a condition of continued employment, every person employed as a school resource
33 officer shall participate in ongoing professional development approved by the department of
34 education.

1 (b) Each school district, institution or police department shall maintain records of its
2 school resource officers' completion of continuing education, and relevant coursework.

3 **16-21.7-7. Minimum staffing requirements.**

4 (a) Every school district or institution shall, in conjunction with the city or town's police
5 department, employ a "chief school resource officer" who shall be responsible for overseeing the
6 security and safety of all of the schools within the district.

7 (b) Every school district or institution, on its own or in conjunction with the city or
8 town's police department, shall employ in each school of less than one thousand two hundred
9 (1200) students a "school resource officer" who shall be responsible for the safety and well-being
10 of that school. For those schools containing more than one thousand two hundred (1200) students,
11 two (2) school resource officers shall be employed.

12 **16-21.7-8. Director of school security.**

13 A school department may employ, with the approval of the chief of police or the director
14 of public safety, a certified school resource officer with at least twenty (20) years of law
15 enforcement experience as the director of school security. A director of school security, hired
16 under the provisions of this section may also serve as the department's chief school resource
17 officer, but shall remain responsible to the direction of the chief of police or director of public
18 safety in matters related to law enforcement.

19 **16-21.7-9. Service after retirement.**

20 (a)(1)The "start teaching after retirement (STAR) program" shall be established by the
21 department of education in conjunction with the department of public safety and the Rhode Island
22 Police Chiefs' Association to provide a method of utilizing already trained and experienced
23 police officers in post-retirement positions as school resource officers.

24 (2) Notwithstanding any general or special law to the contrary, a retired police officer,
25 certified as a school resource officer, may be employed as a school resource officer in another
26 community without any forfeiture of, or reduction in, the retirement benefits and allowances the
27 school resource officer is receiving, or may receive under law as a retiree.

28 (b) The department of education shall promulgate those rules and regulations necessary to
29 attract prospective and retired police officers into positions as school resource officers.

30 **16-21.7-10. Substitutes.**

31 (a)(1) Substitutes. With the approval of the local chief of police, the school district or
32 institution may hire a retired police officer with the appropriate experience to serve as a substitute
33 school resource officer.

34 (2) Any retired police officer who substitutes as a school resource officer for more than

1 twenty (20) days during any school year shall be required to become certified as a school resource
2 officer pursuant to § 16-21.7-5.

3 (b) Notwithstanding any general or special law to the contrary, a retired police officer,
4 certified as a school resource officer, may serve as substitute school resource officer in the same
5 or other community for a period of no more than one hundred eighty (180) days in any one school
6 year without any forfeiture of, or reduction in, the retirement benefits and allowances the
7 substitute school resource officer is receiving, or may receive under law as a retiree.

8 (c) The department of education shall promulgate those rules and regulations necessary to
9 attract prospective and retired police officers into positions as substitute school resource officers
10 and to establish a consistent wage throughout the state.

11 **16-21.7-11. Safe schools -- restricted receipt account.**

12 There is hereby created with the department of education a restricted receipt account to
13 be known as the safe schools funding account. All receipts collected pursuant to §§ 7-15-4.1, 8-2-
14 15.1, 12-1.3-3, 16-7-45, 16-21.7-12, and 21-28-5.04 shall be deposited in this account and shall
15 be used to support the personnel costs, operating costs and capital expenditures necessary to carry
16 out the provisions of this chapter. All amounts deposited into the safe schools' restricted receipt
17 account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

18 **16-21.7-12. Grants and gifts.**

19 The department of education, the department of public safety, the office of the attorney
20 general and the Rhode Island judiciary are empowered to apply for and receive, from any federal,
21 state, or local agency, private foundation or from any individual, any grants, appropriations, or
22 gifts for the purpose of supporting law enforcement and safety related activities on school
23 grounds which shall be deposited as restricted revenues in the safe school fund established
24 pursuant to § 16-21.7-11. Appropriations shall be utilized in order to carry out the purpose of this
25 chapter.

26 **16-21.7-13. Donated work and materials.**

27 (a) Notwithstanding any general or public law to the contrary, any work, goods, or
28 material donated to a school district or school for the purpose of making physical and electronic
29 improvements to school safety measures shall not be subject to the requirements of chapter 2 of
30 title 37; provided that:

31 (1) The school district is not required to accept all work, goods or materials donated
32 under this section;

33 (2) The goods and material are substantially similar to those already used within the
34 school department;

- 1 (3) Compliant for use in a public building;
2 (4) Approved by the chief of police;
3 (5) Readily adapted to the equipment already in use; and
4 (6) The donated work is performed:
5 (i) By a contractor possessing the proper licensure and insurance; and
6 (ii) Paying the appropriate prevailing wage.
7 (b) Notwithstanding the provisions of subsection (a)(6)(ii) of this section, nothing shall
8 prohibit a master, journeyman, apprentice or other qualified worker from willingly donating their
9 labor towards a school's safety improvements.

10 **16-21.7-14. Effect on collective bargaining agreements.**

11 Nothing contained in this chapter shall infringe upon or otherwise affect the terms and
12 conditions of employment, nor create a new classification of employee not already bargained for
13 within a valid collective bargaining agreement.

14 **16-21.7-15. Local determination.**

15 Notwithstanding the specific requirements of this chapter or any rule or regulation
16 promulgated in support of this chapter, each community shall be responsible for determining how
17 to best utilize its resources to secure its schools and protect the public.

18 **16-21.7-16. Program costs.**

19 The cost of the school resource officer program established by this chapter shall be
20 supported equitably by the state and the municipalities.

21 SECTION 3. Section 7-15-4.1 of the General Laws in Chapter 7-15 entitled "Racketeer
22 Influenced and Corrupt Organizations" is hereby amended to read as follows:

23 **7-15-4.1. Asset forfeiture fund.**

24 (a) Title to all property forfeited pursuant to this chapter, except for that property
25 awarded by the court to the victims of violations of the chapter pursuant to § 7-15-4(c), vest in the
26 state of Rhode Island. There is established within the general treasury of the state a special fund
27 to be known as the asset forfeiture fund in which shall be deposited all proceeds of any
28 forfeitures. Where the forfeited property is a vessel, vehicle, aircraft, or other personal property
29 the use of which reasonably relates to law enforcement duties, title to the property may be
30 transferred to the law enforcement agency which seized it. Where the forfeited property is
31 personal property the use of which is not reasonably related to law enforcement duties and where
32 the forfeited property is real estate or an interest in real estate, it shall be sold under the direction
33 of the general treasurer and the proceeds of the sale deposited in the asset forfeiture fund. Where
34 the forfeited property consists of negotiable instruments, securities, or other intangible property, it

1 shall be maintained by the general treasurer as part of the asset forfeiture fund and may be sold at
2 his or her discretion and the proceeds deposited in the fund. Where the forfeited property consists
3 of money, both coin and currency, it shall be deposited in the asset forfeiture fund.

4 (b) The fund shall be utilized for the following purposes:

5 (1) The payment of reasonable expenses required for the seizure, management and
6 liquidation of forfeited property and for the reimbursement of federal, state, or local law
7 enforcement agencies for any reasonable expenditures made by them in the performance of the
8 preceding functions;

9 (2) The payment of awards for information or assistance leading to a civil or criminal
10 proceeding under this chapter, provided that any payment or combination of payments to any one
11 individual or group of individuals in excess of twenty five hundred dollars (\$2500) from the fund
12 must be approved by the presiding justice of the superior court or an associate justice of the court
13 designated by him or her;

14 (3) The compromise and payment of claims against property forfeited pursuant to the
15 chapter, provided that any payment in settlement of a claim which is in excess of twenty five
16 hundred dollars (\$2500) from the fund must be approved by the presiding justice of the superior
17 court or an associate justice of the court designated by him or her;

18 (4) The payment of twenty five percent (25%) of the net proceeds of a forfeiture to the
19 Rhode Island law enforcement agency or agencies which accomplished the seizure to be used
20 only for the purposes of future investigations of racketeering activity as defined in these
21 provisions. No law enforcement agency of the state is entitled to keep more than fifty thousand
22 dollars (\$50,000) per calendar year under this section. No law enforcement agency of a city or
23 town with a population in excess of twenty thousand (20,000) is entitled to keep more than thirty
24 five thousand dollars (\$35,000) per calendar year under this section. No law enforcement agency
25 of a city or town with a population of twenty thousand (20,000) or less is entitled to keep more
26 than fifteen thousand dollars (\$15,000) per calendar year under this section.

27 (5) The remainder of any proceeds not dispersed under the provisions of this subsection
28 shall be remitted to the safe school fund established pursuant to § 16-21.7-11 for the purposes of
29 supporting law enforcement and safety related activities on school grounds.

30 (c) The attorney general shall report each forfeiture pursuant to this chapter to the general
31 treasurer within thirty (30) days of the issuance of the judgment of forfeiture by the court.

32 (d) Upon the application of any law enforcement agency of the state of Rhode Island
33 when a special need exists concerning the enforcement of the provisions of this chapter, the
34 attorney general may apply to the presiding justice of the superior court for the release from the

1 general treasury of sums of money not to exceed fifty thousand dollars (\$50,000) per
2 investigation. When the presiding justice, upon consideration of the reasons set forth by the
3 agency, deems the funds to be reasonable and necessary to the accomplishment of a goal within
4 the powers and duties of the law enforcement agency, he or she may issue an order ex parte
5 providing for the release of the funds.

6 (e) The attorney general and the general treasurer shall transmit to the General Assembly
7 no later than February 1st of each year, a detailed report on the nature and value of the assets
8 forfeited and their disposition, on the amounts deposited in the fund, and a detailed description of
9 withdrawals from the fund and the uses of the withdrawals, during the previous calendar year, but
10 shall not make any disclosure which would compromise any investigation or prosecution.

11 SECTION 4. Section 8-2-15.1 of the General Laws in Chapter 8-2 entitled "Superior
12 Court" is hereby amended to read as follows:

13 **8-2-15.1. Gun court calendar.**

14 (a) Findings and declarations. The General Assembly finds that:

15 (1) There has been significant growth in the use of firearms in the commission of violent
16 crimes.

17 (2) Many of the shootings are drug or gang related and endanger law abiding citizens.

18 (3) Many of the gun offenses are committed while individuals are free on bail for other
19 offenses.

20 (4) The growing number of gun related offenses constitutes a burden upon the state of
21 Rhode Island and threatens the domestic tranquility of the state and its people, especially
22 residents of the urban areas where these crimes are most prevalent.

23 (5) In order to deter the use of firearms in the commission of violent crime, and to protect
24 the law abiding public, there must be swift disposition of gun related offenses in our courts, and
25 there must be the certain prospect of prison terms for those who are convicted of such crimes.

26 (b) Declaration of policy. It is hereby declared to be the policy of the state of Rhode
27 Island to provide maximum safety and security to its people from unlawful gun related violence
28 and intrusion upon their persons and property by expediting the processing and disposition of
29 such cases and, unless otherwise provided, imposing prison terms that must be served.

30 (c) Establishment. To accomplish this purpose in an effort to minimize delay in the
31 processing of criminal cases in the superior court for the counties of Providence and Bristol
32 relating to the illegal possession and use of guns and other dangerous weapons, there shall be
33 established a separate calendar within the jurisdiction of the superior court for the counties of
34 Providence and Bristol for hearing trial and disposition of actions brought pursuant to §§ 11-47-3,

1 11-47-5, 11-47-5.1, 11-47-8, 11-47-24, 12-13-1.2, and 12-19-21.

2 (d) Gun court calendar. (1) The presiding justice of the superior court shall create a gun
3 court calendar in the superior court for the counties of Providence and Bristol and shall assign
4 personnel to the extent warranted to exclusively hear and decide all criminal actions involving
5 offenses committed in Providence and Bristol counties and brought pursuant to violations of the
6 provisions of §§ 11-47-5, 11-47-5.1, 11-47-8, and 11-47-24 set forth in subsection (c), and it shall
7 be referred to as the "gun court calendar" of the superior court for the counties of Providence and
8 Bristol.

9 (2) The "gun court calendar" of the superior court for the counties of Providence and
10 Bristol shall also have concurrent jurisdiction with any other calendar of the superior court for the
11 counties of Providence and Bristol to hear and decide all criminal actions involving offenses
12 brought pursuant to violations of the provisions of §§ 11-47-3, 12-13-1.2, and 12-19-21, so long
13 as the criminal action involves the possession, threatened use, or use of a firearm.

14 (e) Time for trial. All trials in the superior court for the counties of Providence and
15 Bristol involving offenses brought pursuant to the sections as set forth in subsection (c) shall be
16 scheduled for trial on the "gun court calendar" in the superior court for the counties of Providence
17 and Bristol within sixty (60) days of the completion of discovery. No continuances or
18 postponements shall be granted except for good cause shown. Such continuances as are necessary
19 shall be granted for the shortest practicable time.

20 (f) Use of section. Under no circumstances shall the defendant(s) be permitted to use this
21 section as a basis for a dismissal of an action, as this section is enacted for the benefit and
22 convenience of the superior court for the counties of Providence and Bristol in the assignment of
23 its actions for trial.

24 (g) A surcharge of fifty dollars (\$50.00) shall be assessed as a cost against the defendant
25 and remitted to the safe school program established pursuant to § 16-21.7-11 fund in cases in
26 which there is a finding or plea of guilty, a plea of nolo contendere or the entry of a deferred
27 sentence for each case placed on the gun court calendar pursuant to § 8-2-15.1 or any other
28 violation of actions brought pursuant to §§ 11-47-3, 11-47-5, 11-47-5.1, 11-47-8, 11-47-24, 12-
29 13-1.2, and 12-19-21 that if not for the jurisdiction in which the crime occurred would have been
30 placed on the gun court calendar.

31 SECTION 5. Section 11-47-9 of the General Laws in Chapter 11-47 entitled "Weapons"
32 is hereby amended to read as follows:

33 **11-47-9. Persons exempt from restrictions.**

34 (a) The provisions of § 11-47-8 shall not apply to sheriffs; deputy sheriffs; the

1 superintendent and members of the state police; members of the Rhode Island airport police
2 department; members of the Rhode Island state marshals; Rhode Island state fire marshal; chief
3 deputy state fire marshals; deputy state fire marshals assigned to the bomb squad, and those
4 assigned to the investigation unit; Providence fire department arson investigators, provided that
5 the investigator receiving the permit is a graduate of a police-training academy; correctional
6 officers, within the department of corrections; members of the city or town police force; [school](#)
7 [resource officers employed by a school department, a municipal police force or the department of](#)
8 [public safety](#); capitol police investigators of the department of attorney general appointed
9 pursuant to § 42-9-8.1; the witness protection coordinator for the witness protection review board
10 as set forth in chapter 30 of title 12 and subject to the minimum qualifications of § 42-9-8.1;
11 automobile theft investigators of the Rhode Island state police pursuant to § 31-50-1; railroad
12 police while traveling to and from official assignments or while on assignments; conservation
13 officers; or other duly appointed law enforcement officers; nor to members of the Army, Navy,
14 Air Force, and Marine Corps of the United States, the National Guard, or organized reserves,
15 when on duty; nor to members of organizations by law authorized to purchase or receive firearms
16 from the United States or this state, provided these members are at, or going to or from, their
17 places of assembly or target practice; nor to officers or employees of the United States authorized
18 by law to carry a concealed firearm; nor to any civilian guard or criminal investigator carrying
19 sidearms or a concealed firearm in the performance of his or her official duties under the
20 authority of the commanding officer of the military establishment in the state of Rhode Island
21 where he or she is employed by the United States; nor to any civilian guard carrying sidearms or a
22 concealed firearm in the performance of his or her official duties under the authority of the
23 adjutant general where he or she is employed guarding a national guard facility, provided, that the
24 commanding officer of the military establishment shall have on file with the attorney general of
25 this state a list of the names and addresses of all civilian guards and criminal investigators so
26 authorized; nor to duly authorized military organizations when on duty; nor to members when at,
27 or going to or from, their customary places of assembly; nor to any individual employed in the
28 capacity of warden, associate warden, major, captain, lieutenant, sergeant, correctional officer or
29 investigator at any project owned or operated by a municipal detention facility corporation,
30 including the Donald W. Wyatt Detention Facility; nor to the regular and/or ordinary
31 transportation of pistols or revolvers as merchandise; nor to any person while transporting a
32 pistol, or revolvers, unloaded from the place of purchase to their residence; or place of business,
33 from their residence to their place of business or from their place of business to their residence, or
34 to a federal firearms licensee for the purpose of sale, to or from a bona fide gunsmith, or firearms

1 repair facility, to any police station or other location designated as a site of a bona fide "gun buy-
2 back" program, but only if said pistol or revolver is unloaded and any ammunition for said pistol
3 or revolver is not readily or directly accessible from the passenger compartment of such vehicle
4 while transporting same and further provided, that in the case of a vehicle without a compartment
5 separate from the passenger compartment, the firearm or the ammunition shall be stored in a
6 locked container.

7 (b) Persons exempted by the provisions of this section from the provisions of § 11-47-8
8 shall have the right to carry concealed firearms everywhere within this state; provided, that this
9 shall not be construed as giving the right to carry concealed firearms to a person transporting
10 firearms as merchandise or as household or business goods.

11 SECTION 6. Section 12-1.3-3 of the General Laws in Chapter 12-1.3 entitled
12 "Expungement of Criminal Records" is hereby amended to read as follows:

13 **12-1.3-3. Motion for expungement -- Notice -- Hearing -- Criteria for granting.**

14 (a) Any person filing a motion for expungement of the records of his or her conviction
15 pursuant to § 12-1.3-2 shall give notice of the hearing date set by the court to the department of
16 the attorney general and the police department that originally brought the charge against the
17 person at least ten (10) days prior to that date.

18 (b) The court, after the hearing at which all relevant testimony and information shall be
19 considered, may, in its discretion, order the expungement of the records of conviction of the
20 person filing the motion if it finds:

21 (1) (i) That in the five (5) years preceding the filing of the motion, if the conviction was
22 for a misdemeanor, or in the ten (10) years preceding the filing of the motion, if the conviction
23 was for a felony, the petitioner has not been convicted nor arrested for any felony or
24 misdemeanor; there are no criminal proceedings pending against the person; that the person does
25 not owe any outstanding court-imposed or court-related fees, fines, costs, assessments, or
26 charges, unless such amounts are reduced or waived by order of the court, and he or she has
27 exhibited good moral character;

28 (ii) That after a hearing held under the provisions of § 12-19-19(c), the court finds that
29 the person has complied with all of the terms and conditions of the deferral agreement including,
30 but not limited to, the payment in full of any court-ordered fines, fees, costs, assessments, and
31 restitution to victims of crimes; there are no criminal proceedings pending against the person; and
32 he or she has established good moral character. Provided, that no person who has been convicted
33 of a crime of violence shall have their records relating to a deferred sentence expunged; or

34 (iii) Subject only to §§ 12-1.3-2(b) and (f), that in the ten (10) years preceding the filing

1 of the motion, if the convictions were for multiple misdemeanors, the petitioner has not been
2 convicted nor arrested for any felony or misdemeanor; there are no criminal proceedings pending
3 against the person; and they have exhibited good moral character; and, provided that convictions
4 for offenses under chapter 29 of title 12, §§ 31-27-2 or 31-27-2.1 are not eligible and may not be
5 expunged under this subsection.

6 (2) That the petitioner's rehabilitation has been attained to the court's satisfaction and the
7 expungement of the records of his or her conviction is consistent with the public interest.

8 (c) If the court grants the motion, it shall, after payment by the petitioner of a ~~one~~
9 ~~hundred-dollar (\$100)~~ one hundred and fifty dollar (\$150) fee to be paid to the court, of which
10 fifty-dollars (\$50.00) shall be remitted to the safe school program fund established pursuant to §
11 16-21.7-11, order all records and records of conviction relating to the conviction expunged and all
12 index and other references to it removed from public inspection. A copy of the order of the court
13 shall be sent to any law enforcement agency and other agency known by either the petitioner, the
14 department of the attorney general, or the court to have possession of the records. Compliance
15 with the order shall be according to the terms specified by the court.

16 (d) The defendant shall be advised at the hearing that any and all bail money relating to a
17 case that remains on deposit and is not claimed at the time of expungement shall be escheated to
18 the state's general treasury in accordance with chapter 12 of title 8.

19 SECTION 7. Sections 16-7-40 and 16-7-45 of the General Laws in Chapter 16-7 entitled
20 "Foundation Level School Support [See Title 16 Chapter 97 - The Rhode Island Board Of
21 Education Act]" are hereby amended to read as follows:

22 ~~**16-7-40. Increased school housing ratio for regional schools -- Energy conservation --**~~
23 ~~**-- Access for people with disabilities -- Asbestos removal projects. Increased school housing**~~
24 ~~**ratio for regional schools -- Energy conservation -- Access for people with disabilities --**~~
25 ~~**Asbestos removal projects -- Safety and security measures.**~~

26 (a) (1) In the case of regional school districts, the school housing aid ratio shall be
27 increased by two percent (2%) for each grade so consolidated.

28 (2) Regional school districts undertaking renovation project(s) shall receive an increased
29 share ratio of four percent (4%) for those specific project(s) only, in addition to the combined
30 share ratio calculated in § 16-7-39 and this subsection.

31 (b) In the case of projects undertaken by regionalized and/or non-regionalized school
32 districts specifically for the purposes of energy conservation, access for people with disabilities,
33 and/or asbestos removal, the school housing aid share ratio shall be increased by four percent
34 (4%) for these specific projects only, in the calculation of school housing aid. The increased share

1 ratio shall continue to be applied for as long as the project(s) receive state housing aid. In order to
2 qualify for the increased share ratio, seventy-five percent (75%) of the project costs must be
3 specifically directed to either energy conservation, access for people with disabilities, and/or
4 asbestos removal or any combination of these projects. The board of regents for elementary and
5 secondary education shall promulgate rules and regulations for the administration and operation
6 of this section.

7 (c) In the case of projects undertaken by regionalized and/or non-regionalized school
8 districts specifically for the purposes of school safety and security, the school housing aid share
9 ratio shall be increased by five percent (5%) for these specific projects only, in the calculation of
10 school housing aid. The increased share ratio shall continue to be applied for as long as the
11 project(s) receives state housing aid. In order to qualify for the increased share ratio, seventy-five
12 percent (75%) of the project costs must be specifically directed to school safety and security
13 measures. The council on elementary and secondary education shall promulgate rules and
14 regulations for the administration and operation of this section.

15 ~~(e)~~(d) Upon the transfer of ownership from the state to the respective cities and towns of
16 the regional career and technical center buildings located in Cranston, East Providence, Newport,
17 Providence, Warwick, Woonsocket and the Chariho regional school district, the school housing
18 aid share ratio shall be increased by four percent (4%) for the renovation and/or repair of these
19 buildings. To qualify for the increased share ratio, as defined in § 16-7-39, renovation and repair
20 projects must be submitted for approval through the necessity of school construction process prior
21 to the end of the second full fiscal year following the transfer of ownership and assumption of
22 local care and control of the building. Only projects at regional career and technical centers that
23 have full program approval from the department of elementary and secondary education shall be
24 eligible for the increased share ratio. The increased share ratio shall continue to be applied for as
25 long as the renovation and/or repair project receives school housing aid.

26 **16-7-45. Annual appropriations.**

27 (a) The general assembly shall annually appropriate those sums that it may deem
28 necessary to carry out the purposes of §§ 16-7-35 to 16-7-47, and the state controller is authorized
29 and directed to draw his or her orders upon the general treasurer for the payment of the sum, or so
30 much of it as may be required from time to time, upon the receipt by the controller of properly
31 authenticated vouchers. In the event that the full amount of housing aid has not been appropriated
32 in a particular fiscal year, school housing aid will not be ratably reduced. In such cases, aid
33 computed for school housing costs for debt service which has been paid by the local community
34 prior to project completion will be deferred. Such aid will be paid within three (3) equal

1 installments beginning the fiscal year after project completion. This deferral provision shall only
2 be applicable if the computed aid for debt service paid by the local community prior to project
3 completion exceeds five hundred thousand dollars (\$500,000).

4 [\(b\) Any remaining monies not appropriated in a particular fiscal year shall be remitted to](#)
5 [the safe school program fund established pursuant to § 16-21,7-11 for the purpose of supporting](#)
6 [law enforcement and safety related activities on school grounds.](#)

7 SECTION 8. Section 16-7.2-6 of the General Laws in Chapter 16-7.2 entitled "The
8 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

9 **16-7.2-6. Categorical programs, state funded expenses.**

10 In addition to the foundation education aid provided pursuant to § 16-7.2-3, the
11 permanent foundation education-aid program shall provide direct state funding for:

12 (a) Excess costs associated with special education students. Excess costs are defined
13 when an individual special education student's cost shall be deemed to be "extraordinary".
14 Extraordinary costs are those educational costs that exceed the state-approved threshold based on
15 an amount above five times the core foundation amount (total of core-instruction amount plus
16 student success amount). The department of elementary and secondary education shall prorate the
17 funds available for distribution among those eligible school districts if the total approved costs for
18 which school districts are seeking reimbursement exceed the amount of funding appropriated in
19 any fiscal year; and the department of elementary and secondary education shall also collect data
20 on those educational costs that exceed the state-approved threshold based on an amount above
21 two (2), three (3), and four (4) times the core-foundation amount;

22 (b) Career and technical education costs to help meet initial investment requirements
23 needed to transform existing, or create new, comprehensive, career and technical education
24 programs and career pathways in critical and emerging industries and to help offset the higher-
25 than-average costs associated with facilities, equipment maintenance and repair, and supplies
26 necessary for maintaining the quality of highly specialized programs that are a priority for the
27 state. The department shall develop criteria for the purpose of allocating any and all career and
28 technical education funds as may be determined by the general assembly on an annual basis. The
29 department of elementary and secondary education shall prorate the funds available for
30 distribution among those eligible school districts if the total approved costs for which school
31 districts are seeking reimbursement exceed the amount of funding available in any fiscal year;

32 (c) Programs to increase access to voluntary, free, high-quality pre-kindergarten
33 programs. The department shall recommend criteria for the purpose of allocating any and all early
34 childhood program funds as may be determined by the general assembly;

1 (d) Central Falls, Davies, and the Met Center Stabilization Fund is established to ensure
2 that appropriate funding is available to support their students. Additional support for Central Falls
3 is needed due to concerns regarding the city's capacity to meet the local share of education costs.
4 This fund requires that education aid calculated pursuant to § 16-7.2-3 and funding for costs
5 outside the permanent foundation education-aid formula, including, but not limited to,
6 transportation, facility maintenance, and retiree health benefits shall be shared between the state
7 and the city of Central Falls. The fund shall be annually reviewed to determine the amount of the
8 state and city appropriation. The state's share of this fund may be supported through a reallocation
9 of current state appropriations to the Central Falls school district. At the end of the transition
10 period defined in § 16-7.2-7, the municipality will continue its contribution pursuant to § 16-7-24.
11 Additional support for the Davies and the Met Center is needed due to the costs associated with
12 running a stand-alone high school offering both academic and career and technical coursework.
13 The department shall recommend criteria for the purpose of allocating any and all stabilization
14 funds as may be determined by the general assembly;

15 (e) Excess costs associated with transporting students to out-of-district non-public
16 schools. This fund will provide state funding for the costs associated with transporting students to
17 out-of-district non-public schools, pursuant to chapter 21.1 of title 16. The state will assume the
18 costs of non-public out-of-district transportation for those districts participating in the statewide
19 system. The department of elementary and secondary education shall prorate the funds available
20 for distribution among those eligible school districts if the total approved costs for which school
21 districts are seeking reimbursement exceed the amount of funding available in any fiscal year;

22 (f) Excess costs associated with transporting students within regional school districts.
23 This fund will provide direct state funding for the excess costs associated with transporting
24 students within regional school districts, established pursuant to chapter 3 of title 16. This fund
25 requires that the state and regional school district share equally the student transportation costs
26 net any federal sources of revenue for these expenditures. The department of elementary and
27 secondary education shall prorate the funds available for distribution among those eligible school
28 districts if the total approved costs for which school districts are seeking reimbursement exceed
29 the amount of funding available in any fiscal year;

30 (g) Public school districts that are regionalized shall be eligible for a regionalization
31 bonus as set forth below:

32 (1) As used herein, the term "regionalized" shall be deemed to refer to a regional school
33 district established under the provisions of chapter 3 of title 16, including the Chariho Regional
34 School district;

1 (2) For those districts that are regionalized as of July 1, 2010, the regionalization bonus
2 shall commence in FY 2012. For those districts that regionalize after July 1, 2010, the
3 regionalization bonus shall commence in the first fiscal year following the establishment of a
4 regionalized school district as set forth in chapter 3 of title 16, including the Chariho Regional
5 School District;

6 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the
7 state's share of the foundation education aid for the regionalized district as calculated pursuant to
8 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

9 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the
10 state's share of the foundation education aid for the regionalized district as calculated pursuant to
11 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

12 (5) The regionalization bonus shall cease in the third fiscal year;

13 (6) The regionalization bonus for the Chariho regional school district shall be applied to
14 the state share of the permanent foundation education aid for the member towns; and

15 (7) The department of elementary and secondary education shall prorate the funds
16 available for distribution among those eligible regionalized school districts if the total, approved
17 costs for which regionalized school districts are seeking a regionalization bonus exceed the
18 amount of funding appropriated in any fiscal year.

19 (h) Supplementing personnel costs related to the safe school program, for each school
20 resource officer employed by the city or town, fifty percent (50%) of the statewide average cost
21 of providing a school resource officer in each primary, middle and secondary school as required
22 by the safe school program;

23 ~~(h)~~(i) Additional state support for English learners (EL). The amount to support EL
24 students shall be determined by multiplying an EL factor of ten percent (10%) by the core-
25 instruction per-pupil amount defined in § 16-7.2-3(a)(1) and applying that amount of additional
26 state support to EL students identified using widely adopted, independent standards and
27 assessments identified by the commissioner. All categorical funds distributed pursuant to this
28 subsection must be used to provide high-quality, research-based services to EL students and
29 managed in accordance with requirements set forth by the commissioner of elementary and
30 secondary education. The department of elementary and secondary education shall collect
31 performance reports from districts and approve the use of funds prior to expenditure. The
32 department of elementary and secondary education shall ensure the funds are aligned to activities
33 that are innovative and expansive and not utilized for activities the district is currently funding.
34 The department of elementary and secondary education shall prorate the funds available for

1 distribution among eligible recipients if the total calculated costs exceed the amount of funding
2 available in any fiscal year; and

3 ~~(i)~~(j) Categorical programs defined in (a) through (g) shall be funded pursuant to the
4 transition plan in § 16-7.2-7.

5 SECTION 9. Section 21-28-5.04 of the General Laws in Chapter 21-28 entitled "Uniform
6 Controlled Substances Act" is hereby amended to read as follows:

7 **21-28-5.04. Forfeiture of property and money.**

8 (a) Any property, real or personal, including, but not limited to, vessels, vehicles, or
9 aircraft, and money or negotiable instruments, securities, or other things of value or any property
10 constituting, or derived from any proceeds, furnished, or intended to be furnished, by any person
11 for the transportation of, or in exchange for, a controlled substance and that has been, or is being
12 used, in violation of § 21-28-4.01(a) or 21-28-4.01(b) or in, upon, or by means of which any
13 violation of §§ 21-28-4.01(a) or 21-28-4.01(b) or §§ 21-28-4.01.1 or 21-28-4.01.2 or 21-28-4.08
14 has taken, or is taking place, and all real property including any right, title, and interest in the
15 whole of any lot or tract of land and any appurtenances or improvements that is used in the
16 commission of a violation of §§ 21-28-4.01(a) or 21-28-4.01(b) or §§ 21-28-4.01.1 or 21-28-
17 4.01.2 or 21-28-4.08, or that was purchased with funds obtained as a result of the commission of
18 a violation of §§ 21-28-4.01(a) or §§ 21-28-4.01(b) or §§ 21-28-4.01.1 or 21-28-4.01.2 or 21-
19 28-4.08, shall be seized and forfeited; provided that no property or money, as enumerated in this
20 subsection, used by any person shall be forfeited under the provisions of this chapter unless it
21 shall appear that the owner of the property or money had knowledge, actual or constructive, and
22 was a consenting party to the alleged illegal act. All moneys, coin and currency, found in close
23 proximity to forfeitable controlled substances, to forfeitable drug manufacturing or distributing
24 paraphernalia, or to forfeitable records of the importation, manufacture, or distribution of
25 controlled substances, are presumed to be unlawfully furnished in exchange for a controlled
26 substance or used in violation of this chapter. The burden of proof is upon claimants of the
27 property to rebut this presumption.

28 (b) Property taken or detained under this section shall not be repleviable, but shall be
29 deemed to be in the custody of the law enforcement agency making the seizure and whenever
30 property or money is forfeited under this chapter it shall be utilized as follows:

31 (1) Where the seized property is a vessel, vehicle, aircraft, or other personal property it
32 may be retained and used by the law enforcement agency that seized the property where the use
33 of the property is reasonably related to the law enforcement duties of the seizing agency. If the
34 seized property is a motor vehicle that is inappropriate for use by the law enforcement agency due

1 to style, size, or color, the seizing agency shall be allowed to apply the proceeds of sale or the
2 trade-in value of the vehicle towards the purchase of an appropriate vehicle for use in activities
3 reasonably related to law enforcement duties.

4 (2) The law enforcement agency may sell any forfeited property not required by this
5 chapter to be destroyed and not harmful to the public. The proceeds from the sale are to be
6 distributed in accordance with subdivision (3) of this subsection.

7 (3) As to the proceeds from the sale of seized property as referred to in subdivision (2) of
8 this subsection, and as to moneys, coin and currency, negotiable instruments, securities, or other
9 things of value as referred to in subsection (a) of this section, the distribution shall be as follows:

10 (i) (A) All proceeds of the forfeiture of real or personal property shall be distributed as
11 follows: All costs of advertising administrative forfeitures shall first be deducted from the amount
12 forfeited. Of the remainder, twenty percent (20%) of the proceeds shall be provided to the
13 attorney general's department to be used for further drug-related law enforcement activities
14 including, but not limited to, investigations, prosecutions, and the administration of this chapter;
15 ~~seventy percent (70%)~~ sixty percent (60%) of the proceeds shall be divided among the state and
16 local law enforcement agencies proportionately based upon their contribution to the investigation
17 of the criminal activity related to the asset being forfeited; ten percent (10%) of the proceeds shall
18 be remitted to the safe school program established pursuant to § 16-21.7-11 for the purposes of
19 supporting law enforcement and safety related activities on school grounds; and ten percent
20 (10%) of the proceeds shall be provided to the department of health for distribution to substance
21 abuse treatment programs.

22 (B) The law enforcement agencies involved in the investigation, with the assistance of the
23 attorney general, shall by agreement determine the respective proportionate share to be received
24 by each agency. If the agencies are unable to reach agreement, application shall be made by one
25 or more of the agencies involved to the presiding justice of the superior court who shall determine
26 the respective proportionate share attributable to each law enforcement agency. The proceeds
27 from all forfeitures shall be held by the general treasurer in a separate account until such time as
28 an allocation is determined by agreement of the agencies or by the presiding justice. It shall be the
29 duty and responsibility of the general treasurer to disburse the allocated funds from the separate
30 account to the respective law enforcement agencies.

31 (ii) Each state or local law enforcement agency shall be entitled to keep the forfeited
32 money or the proceeds from sales of forfeited property. The funds shall be used for law
33 enforcement purposes and investigations of violations of this chapter. The funds received by a
34 state law enforcement agency shall be maintained in a separate account by the general treasurer.

1 The funds received by a local law enforcement agency shall be maintained in a separate account
2 by the local agency's city or town treasurer.

3 (c) (1) There is established in the state's treasury a special fund to be known as the asset
4 forfeiture fund in which shall be deposited the excess proceeds of forfeitures arising out of
5 criminal acts occurring before July 1, 1987. The asset forfeiture fund shall be used to fund drug-
6 related law enforcement activity and the treatment and rehabilitation of victims of drug abuse.
7 The fund shall be administered through the office of the general treasurer. The presiding justice of
8 the superior court shall have the authority to determine the feasibility and amount of disbursement
9 to those state or local law enforcement agencies that have made application.

10 (2) Upon the application of any law enforcement agency of the state of Rhode Island,
11 when a special need exists concerning the enforcement of the provisions of this chapter, the
12 attorney general, or his or her designee, may apply to the presiding justice of the superior court
13 for the release from the general treasury of sums of money. When the presiding justice upon
14 consideration of the reasons set forth by that agency deems them to be reasonable and necessary
15 to the accomplishment of a goal within the powers and duties of that law enforcement agency, he
16 or she may issue an order ex parte providing for the release of the funds.

17 (d) Each law enforcement agency making any seizure(s) that result(s) in a forfeiture
18 pursuant to this section shall certify and file with the state treasurer between January 1 and
19 January 30 an annual report detailing the property or money forfeited during the previous
20 calendar year and the use or disposition of the property or money. The report shall be made in the
21 form and manner as may be provided or specified by the treasurer and these annual law
22 enforcement agency reports shall be provided to the local governmental body governing the
23 agency and to the house and senate judiciary committees.

24 (e) Any law enforcement agency whose duty it is to enforce the laws of this state relating
25 to controlled substances is empowered to authorize designated officers or agents to carry out the
26 seizure provisions of this chapter. It shall be the duty of any officer or agent authorized or
27 designated, or authorized by law, whenever he or she shall discover any property or monies that
28 have been, or are being, used in violation of any of the provisions of this chapter, or in, upon, or
29 by means of which any violation of this chapter has taken or is taking place, to seize the property
30 or monies and to place it in the custody of the person as may be authorized or designated for that
31 purpose by the respective law enforcement agency pursuant to those provisions.

32 (f) For purposes of this section and § 30-14-2 only, the Rhode Island national guard shall
33 be deemed a law enforcement agency eligible to participate in the forfeiture of money and assets
34 seized through counterdrug operations in which members of the guard support federal, state or

1 municipal efforts.

2 SECTION 10. Section 45-21-54 of the General Laws in Chapter 45-21 entitled
3 "Retirement of Municipal Employees" is hereby amended to read as follows:

4 **45-21-54. Reemployment of retired members.**

5 (a) Any retired member of the system is permitted to reenter the service of the system for
6 not more than seventy-five (75) working days in a calendar year without interruption of pension
7 benefits. Pension payments, however, are suspended when that period is exceeded. If the retired
8 member continues in service beyond the seventy-five (75) day period (with his annuity
9 temporarily suspended) the member is not eligible for pension credit for the additional service,
10 nor is the member required to make pension contributions for this service; provided, that any
11 retired member of the system is permitted to serve as an elected city or town council member or
12 school committee member and continues to be eligible for and receive the retirement allowance
13 for service other than that as a council member or school committee member.

14 (b) Provided, that any retired member of the system, employed as a school resource
15 officer on a per diem or other basis at a rate below the regular wage of a uniformed patrol officer
16 in the district in which the school resource officer is employed shall continue to be eligible for,
17 and receive the retirement allowance without reduction. A retired member, employed under the
18 provisions of this subsection is not eligible for pension credit for the additional service, nor is the
19 member required to make pension contributions for this service.

20 SECTION 11. This act shall take effect July 1, 2019.

=====
LC005369
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION

1 This act would establish a process of funding and ensuring that our public schools remain
2 safer and secure. The safe school program would require that a certified school resource officer
3 be employed at each public school and would allow for each school department to seek an
4 additional five percent (5%) reimbursement for school construction projects related to safety.

5 This act would take effect July 1, 2019.

=====
LC005369
=====