

ANTHONY DESISTO LAW ASSOCIATES, LLC
450 Veterans Memorial Parkway, Suite 103
East Providence, RI 02914

Anthony DeSisto
tony@adlawllc.net
Ben Ferreira
bferreira@adlawllc.net
Stephen J. Antonucci*
santonucci@adlawllc.net
Mark E. Hartmann*
mhartmann@adlawllc.net

Telephone 401.421.0170
Facsimile 401.270.4878
*also admitted in MA

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Chairman Robert Craven, Esq.
House Judiciary Committee
Rhode Island State House

RE: H 5905 Recreational Use

Dear Chairman Craven,

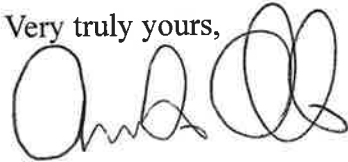
RIGL 32-6 et seq. is known as the recreational use statute. In part, that statute excludes from liability “an owner of land who either directly or indirectly invites or permits without charge any person to use that property for recreational purposes.” Essentially, if a landowner, including the state or any municipality, holds lands open to the public free of charge, they are immune from liability for any persons injured on that property. This is regardless of the level of negligence to which the owner could potentially be found to have been at the time.

This bill would remove the state and municipalities from the orbit of the recreational use statute. There are many state and municipal parks and lands that Rhode Islanders and non-Rhode Island citizens use on a daily basis. The simple fact that this land is being held open free of charge to the public should not be determinative of liability. It is simply not right that a person, exercising all reasonable care, could be injured due to the gross negligence of the state

in maintaining a property, but have no legal recourse.

The State and its municipalities already are cloaked with some forms of immunity pursuant to the Rhode Island Tort Claims Act, RIGL 9-31-1, which limits most governmental liability to \$100,000.00.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Anthony DeSisto', with a large, stylized loop at the end.

Anthony DeSisto, Esq.