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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-H 7215, RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY January 29, 2026

The ACLU of RI is opposed to passage of this bill, amending Sections §9-31-2 and §9-31-3 of the General Laws concerning state and municipal liability.

The proposed legislation would make it much harder for a person who has been injured by the State or local government to obtain full compensation for the scope of those proven injuries. It would do so in several respects. First, it retains the cap of \$100,000 on any recovery, which can be far less than full compensation for significant proven injuries. Second, it removes the exception to that cap that when the government is acting in a “proprietary function” (that is, not something uniquely performed as a government function), the cap does not apply. In addition, in those cases, the government’s immunity from pre- and post-judgment interest (R.I.G.L. § 9-21-10) currently does not apply. But this bill would also remove that provision and make state and local government completely immune from interest.

Because the proposed legislation would unfairly further reduce the scope of recovery to individuals with proven injuries through the fault of State or local government, the ACLU of Rhode Island opposes its passage.

Submitted by:
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