



STATE OF RHODE ISLAND
OFFICE OF GOVERNOR DANIEL J. MCKEE

March 4, 2026

Honorable Carol Hagan McEntee
Chair, House Judiciary Committee
House Lounge, State House
Providence, Rhode Island 02903

Re: 2026 – H 7352, *An Act Relating to State Affairs and Government – The Rhode Island Civil Rights Enforcement Act*

Dear Chair McEntee:

The Administration writes regarding H 7352, An Act Relating to State Affairs and Government – The Rhode Island Civil Rights Enforcement Act (Act). The Act would broadly waive the State of Rhode Island’s governmental and sovereign immunities to create a private cause of action against the state and any of its administrative and political subdivisions for alleged deprivation of any rights, privileges, or immunities secured under the Rhode Island constitution or the constitution and laws of the United States.

The Administration fully supports guaranteeing the civil rights of all Rhode Islanders, however, the Administration writes to reiterate the concern raised in 2025 relating to a prior version of this Act and to identify new concerns resulting from additions to this 2026 version of the Act.

As noted in my letter of last year, the U.S. Court of Appeals for the First Circuit certified a question to the Rhode Island Supreme Court that may render all or parts of this Act unnecessary. In *Parente v. Lefebvre*, 122 F.4th 457 (1st Cir. 2024), the First Circuit certified to our state’s highest court the question of whether Rhode Island waived its sovereign immunity for civil rights claims brought under the Rhode Island Civil Rights Act of 1990. If answered in the affirmative, individuals would have an avenue to bring claims against the State alleging violations of their civil rights. The Rhode Island Supreme Court recently heard oral argument in that case, *see* case no. SU-2024-0387-MP, and the Court’s decision remains pending. Because the Rhode Island Supreme Court’s answer to the

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certified question may resolve the issue, and further define the parameters of Rhode Island's civil rights protections, the Administration again urges the House to wait until the Court has addressed this question of law.

Further, the 2026 version of this Act contains material additions, as compared to the 2025 version, that give rise to serious new concerns. First, the 2026 Act includes a compensatory damages cap that far exceeds the state's existing tort liability cap without attempting to reconcile the conflicting provisions of Rhode Island General Law. To be sure, the Governmental Tort Liability Act already addresses the State's "tort liability," and the civil rights claims contemplated by the Act are, at bottom, constitutional *torts*. Second, the 2026 Act now includes a section contemplating civil enforcement by the Rhode Island Attorney General, setting up yet another irreconcilable conflict. The Attorney General is obligated by law to defend state departments, not sue them. See § 42-9-6 (the Attorney General "*shall* appear for and defend [state] . . . departments . . . and officers, in all suits and proceedings that may be brought against them in their official capacity") (emphasis added). Article 9, section 2 of the Rhode Island Constitution states that the Attorney General's duties and responsibilities include those prescribed by statute. It would be impossible for the Attorney General to satisfy that constitutional duty if he is required to both sue and defend state agencies under the conflicting provisions of this Act, § 42-9-6, and the Governmental Tort Liability Act.

Sincerely,



Claire Richards
Executive Counsel

cc: Honorable Members of the House Judiciary Committee
Nicole McCarty, Esq., Chief Legal Counsel