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March 3, 2026

VIA ELECTRONIC MAIL

House Judiciary Committee
Rhode Island General Assembly
Attn: Roberta DiMezza
Committee Clerk

RE: Testimony in Support of H7352 – RI Civil Rights Enforcement Act (Hearing 3/4/26)

Dear Chairperson and Members of the House Judiciary Committee:

I am writing to respectfully request your support for the Rhode Island Civil Rights Enforcement Act. For nearly three decades, Rhode Islanders had an implied right to seek relief for violations of the Rhode Island Constitution. Court decisions have since eliminated that remedy. This bill restores what was once recognized law.

As an initial matter, I note that this legislation does not create any new rights. It simply restores a remedy when a person's rights under the Rhode Island or United States Constitution are violated. As the law currently stands, many constitutional rights exist without a meaningful way to enforce them. A right without a remedy is not truly a right.

Moreover, federal civil rights law, including 42 U.S.C. § 1983, is not sufficient. The Rhode Island Constitution provides broader and additional protections in certain areas. Indeed, federal law does not always apply to all government actors, and immunity doctrines frequently leave injured individuals without recourse. Additionally, Congress can limit or repeal federal enforcement statutes at any time, which is why it is particularly crucial that Rhode Island ensure that its residents have a dependable state-level remedy.

This bill also provides protection against unconstitutional actions by any governmental entity—state or federal—operating within Rhode Island. It safeguards fundamental rights including free speech, freedom of association, access to information, labor organizing, and protection from unreasonable searches and seizures. At the same time, *the bill preserves all existing immunities, including qualified immunity*. Government employees remain fully indemnified under current Rhode Island law. The legislation was carefully drafted to ensure accountability while protecting law enforcement and public servants acting within the law.

Twenty-three states already provide a civil remedy for violations of state constitutional rights. Rhode Island should do the same. Passing this bill will not create a flood of lawsuits. When Rhode Islanders previously had this right of action, there was no surge in litigation. The fiscal impact will be zero if government actors comply with the law.

In short, providing a remedy promotes accountability. Accountability deters misconduct. And deterrence protects both the public and those who serve it honorably. For these reasons, I urge you to support the Rhode Island Civil Rights Enforcement Act.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Danilo A. Borgas', with a stylized flourish.

Danilo A. Borgas