

February 16, 2026

EMAIL ONLY

Hon. Carol H. McEntee

Chairperson, House Judiciary Committee, Rhode Island General Assembly

Email: rep-mcentee@rilegislature.gov; chm.law@gmail.com

RE: SUPPORT FOR H 7352 and S2607 -- THE RHODE ISLAND CIVIL RIGHTS ENFORCEMENT ACT

Dear Chairperson McEntee,

I am sending this letter to urge support for passage of the Rhode Island Civil Rights Enforcement Act, *the purpose of which is to provide a remedy for any harm caused due to a violation of rights secured by the Constitution and laws of the State of Rhode Island or the United States*. As an attorney litigating civil rights cases for the past forty (40) plus years, I can tell you the need for this bill is real. Too often, individuals whose constitutional rights have been violated have no meaningful remedy. For this reason alone, this bill enjoys widespread support.¹

What does this bill do?

1. It ***restores*** the right to seek a remedy for a violation of our R.I. Constitutional rights that was previously recognized as an implied right of action in the case of *Jones v. State*, 72 F. Supp. 25 (D.R.I. 1989), but has since been overruled as a result of series of state and federal court decisions over the past three decades. ***Currently, these “rights” are merely “aspirational ideals.”***
2. ***IT DOES NOT CREATE ANY NEW RIGHTS—it merely restores a remedy and expands protection to include any governmental entity—state, federal, or foreign.***
3. It also ***protects against federal overreach*** by creating a cause of action against federal employees, agents, and other actors who violate federal and/or state constitutional protections of residents and inhabitants of this State. With students being disappeared off of streets, mass arrests and home invasions without probable cause, and the denial or termination of federal funding because of a recipient’s free speech and/or expression rights, we need this protection more than ever. ***Currently, we have next to no protection against federal overreach.*** (See 4. b. below).
4. The ***ability to enforce parallel federal civil rights and liberties under federal law***, 42 U.S.C. Sec. 1983, often leaves aggrieved parties with no remedies whatsoever for a violation of their constitutional right and ***is not sufficient for several reasons***:
 - a) The R.I. Constitution **contains additional rights not protected under federal law** as well as broader protections against illegal searches and seizures;
 - b) Section 1983 **does not apply to conduct by the state or federal government AT ALL** or municipalities (except in limited circumstances);
 - c) Section 1983 **frequently leaves aggrieved parties without any remedy** due to the availability of governmental and individual immunities; and,
 - d) **Congress could repeal or limit the scope** of the federal enforcement statute at any time---look what is going on now in Washington.

¹ Supporters include: The Rhode Island Laborers' District Council, RI AFL-CIO, AFSCME, Council 94, NEARI, IBEW LU 99, IUPAT District Council 11, BuildRI, NEMCA, RI ACLU, RIAJ, Centers for Justice, Institute for Justice, The Rhode Island Commission for Human Rights, the Warwick City Council, and the Providence City Council.

Why do we need this bill?

1. ***Because without an ability to enforce them, you have no state or federal Constitutional Rights.***
2. By providing a remedy for violations, you **impose accountability.**
3. By holding the Government accountable, you thereby ***deter future misconduct*** because there is a cost to wrongful conduct. ***A cost the Government will have to bear, and not the innocent victim.*** A cost that will give the Government a reason to care about and respect the rights of its citizens. ***A cost that can be avoided by improving education, training, and supervision to change behaviors to conform to the law.***
4. ***Without accountability, the same mistakes, the same deprivations of the rights and liberties of individuals without consequence will continue to occur.***
5. Currently, 23 states either have an enforcement statute or implied right of action under their state constitutions to provide civil remedies for individuals who suffer injury due to a violation of their constitutional rights. ***Rhode Island should join these states as a champion of civil rights enforcement—not lag behind.***

How does this bill impact law enforcement and other Government employees and agents?

1. Under this bill, law enforcement and every governmental agent would ***retain the protection of all existing immunities from liability, including qualified immunity as well as the protection of state and municipal employees and agents of full indemnification*** for any civil liability for their official actions as is currently provided under R.I. Gen. Law § 45-15-16 and §§ 9-31-8 — 9-31-12.
2. In addition, by allowing aggrieved parties to bring an action against the Government without including or naming the agent responsible, the bill would make it less likely that law enforcement agents will be named in litigation, particularly if they have a qualified immunity defense. Governmental agents, law enforcement in particular, are fully protected. ***The bill was expressly designed to ensure this.***

What will this bill do as a practical matter that is so important?

1. This bill would ***provide protection against the actions of ANY governmental entity and/or its agents—including another state or the federal government***—which violate or seek to violate the state or federal constitutional rights of residents and other individuals within the State of Rhode Island.
2. This includes protection of rights such as ***the right to organize for purposes of political, social, religious, or labor purpose***--the latter of which has been threatened at the federal level by decisions of the Supreme Court and recent executive actions undermining the independence of and politicizing numerous federal agencies, in particular the National Labor Relations Board.
3. This bill would also protect rights such as ***the right to free speech and expression and access to information without censorship***, which has been threatened or curtailed by actions in other states banning books and recently at the federal level by limitations imposed on the posting and dissemination of previously public information, and ***the right to be free from unreasonable search and seizure***, in particular, from the threatened mass, suspicionless round-up and detention of individuals without probable cause, merely suspected of being undocumented—and ***thereby provide protection to Rhode Islanders against what has happened in Minnesota and other states.***

What is the economic impact of this bill—will it lead to a flood of lawsuits?

1. Passing this bill will not lead to a flood of lawsuits.
2. We know this because there was no “flood of lawsuits” during the nearly three decades when Rhode Islanders had an implied right of action to seek relief for a violation of their civil rights—this bill merely restores this lost right to seek a remedy.
3. This bill will have zero budgetary impact if the Government and its agents merely conform their conduct to the law.

While there is growing criticism and even outrage over the excesses in federal overreach by the current administration in Washington, scattered and fragmented criticisms, symbolic statements, and resolutions condemning this conduct has had little meaningful political impact and does not provide any legal protection against the continuation of such conduct.

In the end, people need protection, not platitudes; action, not words. Passage of this bill sends a message that we are united in our purpose and opposition to overreach and excess at every level of government, but more importantly, passage of this bill provides the means to combat and overcome it.

For all the foregoing reasons, I strongly **support** passage of this legislation.

Very truly yours,



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RAS/ras

cc: Hon. K. Joseph Shekarchi, Speaker of the House (via email only) (rep-shekarchi@rilegislature.gov)
Members of House Judiciary Committee (via email only) (HouseJudiciary@rilegislature.gov)