

State of Rhode Island and Providence Plantations

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord one thousand nine hundred and ninety-eight.

Volume 125, No. 40

Tuesday, April 21, 1998

Fortieth Day

The House of Representatives meets at the State House in Providence, Tuesday, April 21, 1998, and is called to order at 5:10 o'clock P.M., by the Honorable John B. Harwood, Speaker.

The roll is called and a quorum is declared present with 96 members present and 4 members absent as follows:

PRESENT 96: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, 5., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Caruolo, Cicilline, Coderre, Coelho Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell', Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, 6., Lima, Little, Long, Lopes, Lowe, Malik, Martineau, McCauley, McGowan, McNamara, Menard, Mesolessa, Millard, Montalbano, Montanaro, Moura, Munschy, Naughton, Palangio, Palumbo, Panciera, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 4: Representatives Campbell, Castro, Metts, Murphy.

INVOCATION

The Honorable Speaker presents Representative Giannini, who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Thursday, April 9, 1998, is approved as printed.

EFFECTIVE WITHOUT SIGNATURE OF THE GOVERNOR

The Honorable Speaker announces receipt by the Secretary of State of the following measures, effective without signature of His Excellency, the Governor:

(98-H 7267) (Substitute "A" as amended) An Act making revised appropriations for the support of the state for the fiscal year ending June 30, 1998, effective April 15, 1998.

(98-H 8962) An Act authorizing the town of Westerly to issue bonds and notes to an amount not exceeding \$255,000 to finance the construction and expansion of sewers and sewerage systems in the Pickering Drive and Butterfly Drive areas of town, effective April 16, 1998.

Received and ordered to be placed on file.

APPROVED BY THE GOVERNOR

The Honorable Speaker announces receipt by the Secretary of State of the following measure, approved and signed by His Excellency, the Governor:

(98-H 8989) An Act authorizing the town Barrington to finance the remodeling and renovation of the Barrington High School, the construction of an addition thereto and the equipping and furnishing thereof and to issue not more than \$14,250,000 bonds and notes therefor, approved April 9, 1998.

Received and ordered to be placed on file.

ANNOUNCEMENTS

Representative McGowan will be out of state on business and unable to attend session today.

Also:

Representative Metts will be out of state on family business and unable to attend session on April 21, 22 and 23.

NOTICES OF BILL/RESOLUTION

INTRODUCTION

Representative Ginaitt gives notice that on the next legislative day he will introduce a measure concerning licensing of Rhode Island passenger carrying vessel. This notice is given in compliance with House Rule 41.

PETER T. GINAI'IT
Representative, District 33

Received and ordered to be placed on file.

Representative Salisbury gives notice that on the next legislative day he will introduce a measure concerning organization of state employees. This notice is given in compliance with House Rule 41.

WAYNE L. SALISBURY
Representative, District 54

Received and ordered to be placed on file.

NEW BUSINESS

Representatives Dennigan and Ginaitt introduce (98-H 8998) House Resolution proclaiming the week of May 4th-10th, 1998 as National Nurses' Week in Rhode Island.

Representative Dennigan requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Dennigan, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote.

Representatives Coderre, Barone, Hetherington, Carpenter, Burlingame and several other members of the House introduce (98-H 8999) House Resolution proclaiming April as Child Abuse Prevention Month.

Representative Coderre requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Coderre, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote.

Representatives Pires, Naughton, Faria, Flaherty, Mesolella and several other members of the House introduce (98-H 9000) House Resolution congratulating the Honorable Paul V. Sherlock on his innumerable contributions to the teaching of Special Education in Rhode Island and the nation.

Representative Pires requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Pires, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote.

Representatives Voccola, Cambio and Russo introduce (98-H 9001) House Resolution congratulating Diane Ponticelli on her many years of selfless dedication and devotion as a foster parent.

Representative Voccola requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Voccola, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote.

Representatives Voccola, Cambio and Russo introduce (98-H 9002) An Act establishing the Slack's Reservoir Preservation and Recreation District.

Read and referred to the Committee on Corporations.

Representatives Voccola, Cambio and Russo introduce (98-H 9003) An Act relating to real estate conveyance tax.

Read and referred to the Committee on Finance.

Representative Salisbury introduces (98-H 9004) Joint Resolution making an appropriation of \$7,000 for Clayville Heritage Association.

Read and referred to the Committee on Finance.

Representative Salisbury introduces (98-H 9005) Joint Resolution making an appropriation of \$5,000 for Hope Fire Department.

Read and referred to the Committee on Finance.

Representatives George, Carter and Scott introduce (98-H 9006) Joint Resolution making an appropriation of \$12,000 for the Exeter Volunteer Fire Department #1,

Read and referred to the Committee on Finance.

Representatives George, Carter, Henseler and Benson introduce (98-H 9007) An Act naming the Hunts River Bridge in North Kingstown, in honor of Peter D'Abrosca.

Read and referred to the Joint Committee on Naming State Constructions.

REPORTS OF COMMITTEES

TRANSFER OF BILLS

Representative Faria, for the Committee on Labor, reports back the following measure, with recommendation of transfer to the Committee on Finance:

(98-H 8416) An Act relating to businesses and professions professional regulation. Received and referred to the Committee on Finance.

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Finance:

(98-H 8660) An Act relating to burglar and hold up alarm businesses. Received and referred to the Committee on Finance.

(98-H 8256) An Act relating to commercial law - Rhode Island telemarketing act of 1998.

Received and referred to the Committee on Finance.

(98-H 8255) An Act relating to RIHMFC. Received and referred to the Committee on Finance.

(98-H 8245) An Act relating to electronic distribution companies. Received and referred to the Committee on Finance.

(98-H 7987) An Act relating to insurance -discrimination. Received and referred to the Committee on Finance.

(98-H 8017) An Act relating to Public Utilities Commission. Received and referred to the Committee on Finance.

(98-H 8183) An Act relating to deferred compensation plans. Received and referred to the Committee on Finance.

(98-H 7984) An Act establishing a home ownership savings account program. Received and referred to the Committee on Finance.

(98-H 7976) An Act relating to state affairs and government- enterprise zones. Received and referred to the Committee on Finance.

(98-H 7975) An Act relating to property -demolition/vacant lot program. Received and referred to the Committee on Finance.

(98-H 7973) An Act creating the community and neighborhood partnership tax credit act of 1998.

Received and referred to the Committee on Finance.

(98-H 7966) An Act relating to education -urban after-school programs. Received and referred to the Committee on Finance.

(98-H 7704) An Act relating to taxation. Received and referred to the Committee on Finance.

(98-H 7964) An Act establishing an enterprise equity fund. Received and referred to the Committee on Finance.

(98-H 7682) An Act relating to motor and other vehicles. Received and referred to the Committee on Finance.

(98-H 7703) An Act relating to property subject to taxation. Received and referred to the Committee on Finance.

(98-H 7688) An Act relating to relief of injured and deceased firefighters and police officers -salary payment. Received and referred to the Committee on Finance.

(98-H 7656) An Act relating to nonprofit organizations. Received and referred to the Committee on Finance.

(98-H 7484) An Act relating to health and safety - solid waste management. Received and referred to the Committee on Finance.

(98-H 7652) An Act relating to business and professions - pharmacy. Received and referred to the Committee on Finance.

(98-H 7290) An Act relating to hazardous waste management. Received and referred to the Committee on Finance.

(98-H 7187) An Act authorizing the issuance of bonds and notes of the state for the purpose of financing the Narragansett Bay Water Quality Management District Commission's combined sewer overflow abatement program. Received and referred to the Committee on Finance.

(98-H 7811) An Act relating to city housing authorities. Received and referred to the Committee on Finance.

(98-H 7734) An Act relating to commercial law - unfair sales practices. Received and referred to the Committee on Finance.

(98-H 7193) An Act relating to insurance. Received and referred to the Committee on Finance.

COMMITTEE ON CORPORATIONS

Representative Kennedy, for the Committee on Corporations, reports back the following measure, with recommendation of passage:

(98-S 2014) An Act relating to the Westerly Fire District.

Received and ordered to be placed on the Consent Calendar.

COMMITTEE ON HEALTH, EDUCATION AND WELFARE

Representative Benoit, for the Committee on Health, Education and Welfare, reports back the following measures, with recommendation of passage:

(98-H 8221) An Act relating to business and professions - manicurist.

Received and ordered to be placed on the Calendar.

(98-H 8083) (Substitute "A") An Act relating to the Rhode Island school-to-work transition act of 1996.

Received and ordered to be placed on the Calendar.

(98-H 7799) (Substitute "A") An Act relating to health care.

Received and ordered to be placed on the Calendar.

(98-H 8352) An Act relating to motor and other vehicles - parking facilities and privileges.

Received and ordered to be placed on the Calendar.

(98-H 8081) (Substitute "A") An Act relating to health insurance coverage mandated hearing aid coverage.

Received and ordered to be placed on the Calendar.

(98-H 7123) (Substitute A as amended) An Act relating to health and safety - human cloning.

Received and ordered to be placed on the Calendar.

(98-H 7284) (Substitute "A") An Act relating to aeronautics- permanent noise monitoring act.

Received and ordered to be placed on the Calendar.

(98-H 7545) (Substitute "A") An Act relating to businesses and professions - nurses.

Received and ordered to be placed on the Calendar.

(98-H 8158) (Substitute "A") An Act relating to state affairs and government - DCYF records - confidentiality of records.

Received and ordered to be placed on the Calendar.

(98-H 7732) (Substitute "A") An Act relating to health and safety cemeteries - scattering of ashes.

Received and ordered to be placed on the Calendar.

COMMITTEE ON LABOR

Representative Faria, for the Committee on Labor, reports back the following measures, with recommendation of passage:

(98-H 7516) An Act relating to labor and labor relations.

Received and ordered to be placed on the Calendar.

(98-H 8042) (Substitute "A") An Act relating to labor and labor relations.

Received and ordered to be placed on the Calendar.

(98-H 7479) (Substitute "A") An Act relating to workers' compensation- general provisions.

Received and ordered to be placed on the Calendar.

(98-H 7820) An Act relating to workers' compensation insurance.

Received and ordered to be placed on the Calendar. cc

(98-H 8799) (Substitute A as amended) An Act relating to labor and labor relations - workers' compensation.

Received and ordered to be placed on the Calendar.

(98-H 8043) (Substitute "A") House Resolution creating a special House commission to study the impact of nursing staff overtime in hospitals in Rhode Island.

Received and ordered to be placed on the Calendar.

(98-H 8325 as amended) An Act relating to employment security- reasonable assurance.

Received and ordered to be placed on the Calendar.

(98-H 8339) (Substitute "A") An Act relating to apprenticeship.

Received and ordered to be placed on the Calendar.

(98-H 7810) (Substitute "A") An Act relating to businesses and professions requiring the registration of roofing contractors.

Received and ordered to be placed on the Calendar.

(98-H 7675) An Act relating to labor and labor relations- arbitration of school teacher disputes.

Received and ordered to be placed on the Calendar.

(98-H 8330 as amended) An Act relating to criminal procedure- domestic abuse.

Received and ordered to be placed on the Calendar.

(98-H 7310) (Substitute "A") An Act relating to labor and labor relations.

Received and ordered to be placed on the Calendar.

(98-H 7736) (Substitute "A") An Act relating to workers' compensation.

Received and ordered to be placed on the Calendar.

COMMITTEE ON CORPORATIONS

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of passage:

(98-H 7981) An Act relating to public utilities and carriers- the towing storage act.

Received and ordered to be placed on the Calendar.

(98-H 7977 as amended) An Act relating to public utilities and carriers - duties of utilities and carriers.

Received and ordered to be placed on the Calendar.

(98-H 7974) An Act relating to businesses and professions.

Received and ordered to be placed on the Calendar.

(98-H 7751) An Act relating to the Rhode Island Resource Recovery Agency.

Received and ordered to be placed on the Calendar. cc

(98-H 7879) (Substitute A as amended) An Act relating to public utility companies.

Received and ordered to be placed on the Calendar.

(98-H 7599) House Resolution memorializing U.S. Congress to investigate cable television rates.

Received and ordered to be placed on the Calendar.

(98-H 7558) An Act relating to property taxes and persons who are permanently and totally disabled.

Received and ordered to be placed on the Calendar.

(98-H 7504) An Act relating to barbers, hairdressers, cosmeticians.

Received and ordered to be placed on the Calendar.

(98-H 7436) An Act relating to public utilities and carriers- motor passenger carriers.

Received and ordered to be placed on the Calendar.

(98-H 7120) (Substitute "A") An Act relating to towns and cities - low and moderate income housing.

Received and ordered to be placed on the Calendar.

CALENDAR

From the Calendar are taken:

1. (98-H7728) An Act relating to education -curriculum.

Committee on Health, Education and Welfare recommends passage. Read, and by unanimous consent, ordered to be placed on tomorrow's Calendar as item number 1.

2. (98-H7184) An Act relating to identification and apprehension of criminals.

Committee on Judiciary recommends passage.

Representative McNamara moves passage of the act, seconded by Representatives Flaherty, Reilly, Long and Carpenter.

By unanimous consent, Representative McNamara, seconded by Representatives Garvey and Flaherty, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(98-H 7184)

Mr. Speaker:

I hereby move to amend (98-H 7184) entitled "AN ACT RELATING TO IDENTIFICATION AND APPREHENSION OF CRIMINALS" as follows:

By deleting all of the language following the enactment clause and inserting in place thereof the following;

SECTION 1. Title 12 of the General Laws entitled "Criminal Procedure" is hereby amended by adding thereto the following chapter:

CHAPTER 12-1.6

DNA DETECTION OF SEXUAL AND VIOLENT OFFENDERS

12-1.6-1. Policy. The general assembly finds and declares that DNA databanks and DNA databases are important tools in criminal investigations, in the exclusion of individuals who are the subject of criminal investigations or prosecutions, and in deterring and detecting recidivism. Many states have enacted laws requiring persons convicted of sexual and violent offenses to provide genetic samples for DNA profiling. Moreover, it is the policy of this state to assist federal, state and local criminal justice and law enforcement agencies in the identification and detection of individuals in criminal investigations. It is therefore in the best interest of the state to establish a DNA databank and a DNA database containing DNA samples and DNA records of individuals convicted of certain sexual and violent offenses and missing persons.

12-1.6-2. Definitions. - For the purposes of this chapter:

(1) The term CODIS is derived from combined DNA index system. the Federal Bureau of Investigation's national DNA identification index system that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories;

(2) The term EDNA" means deoxyribonucleic acid, which is located in the cells of the body and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human hereditary and forensic identification;

(3) The term "DNA record" means DNA identification information only, which is stored in the state DNA database or the combined DNA index system for the purpose of generating investigative leads or supporting statistical interpretation of DNA test results. The DNA record is the result obtained from the DNA typing tests. The DNA record is comprised of the characteristics of a DNA sample which are of value only in establishing the identity of individuals. The DNA record, however, does not include the DNA sample, and the DNA record may never include the results of tests of any structural genes. The results of all DNA identification tests on an individual's DNA sample are also collectively referred to as the DNA profile of an individual;

(4) The term "DNA sample" means a blood or tissue sample provided by any person with respect to offenses covered by this act or submitted to the department of health laboratory pursuant to this act for DNA analysis or storage, or both;

(5) The term "state DNA database" means the state-level DNA identification record system to support law enforcement which is administered by the department of health and which provides DNA records to the FBI for storage and maintenance in CODIS. It is the collective capability to store and maintain DNA records related to forensic casework, the DNA records of those convicted offenders required to provide a DNA sample under state law, and anonymous DNA records used for research, quality control, and other DNA analysis support systems;

(6) The term "state DNA databank" means the repository of DNA samples collected under this act, which is administered by the department of health; and

(7) The term "FBI" means the Federal Bureau of Investigation.

12-1.6-3. Powers and duties of the department of health.- In addition to any other powers and duties conferred by this chapter. the department of health shall:

(1) Be responsible for the policy management and administration of the state DNA database and state DNA databank;

(2) Promulgate rules and regulations, within one hundred and eighty (180) days of the passage of this act. to carry out the provisions of this act; and

(3) Provide for liaison with the FBI and other criminal justice agencies in regard to the state's participation in CODIS or in any DNA database designated by the department of health.

12-1.6-4. State DNA database. There is hereby established the state DNA database. It shall be administered by the department of health and provide DNA records for the FBI for storage and maintenance by CODIS. The state DNA database shall have the capability provided by computer software and procedures administered by the department of health to store and maintain DNA records related to:

(1) Forensic casework. including the identification of missing persons;

(2) Convicted offenders required to provide a DNA sample under this act; and

(3) Anonymous DNA records used for research 011 identification technologies or quality control.

12-1.6-6. State DNA databank. - There is hereby established the state DNA databank. It shall serve as the repository of DNA samples collected under this act and shall be administered by the department of health.

12-1.6-6. Procedural compatibility with FBI. The DNA database system as established by this chapter shall be compatible with the procedures specified by the FBI, including use of comparable test procedures, laboratory equipment, supplied and computer software.

12-1.6-7. Scope and applicability. For law enforcement purposes, this chapter is applicable to adult persons convicted or sentenced to a period of probation for any of the following offenses: 1 1-37-2. 1 1-37-4. 1 1-37-8. 1 1-37-8.1. 1 1-37-8.3. 1 1-23-1 and 1-23-3.

12-1.6-8. DNA sample required upon conviction. - (1) Conviction after effective date. Every person convicted of an offense as listed in section 12-1.6-7 after the effective date of this section shall have a DNA sample taken for analysis as follows;

(a) Every person who is sentenced to a term of confinement to prison, for an offense as listed in section 12-1.6-7 shall not be released prior to the expiration of his/her maximum term of confinement unless and until a DNA sample has been taken;

(b) Every person convicted of an offense or sentenced to probation as listed in section 12-1.6-7 shall have a DNA sample taken for analysis by the department of the health as a condition for any sentence which disposition will not involve an intake into prison.

(2) All DNA samples taken pursuant to this section shall be taken in accordance with regulations promulgated by the department of health.

12-1.6-9. Procedures for withdrawal, collection and transmission of DNA samples. - (1) Only those individuals qualified to withdraw DNA samples in a medically approved manner shall withdraw a DNA sample to be submitted for DNA analysis

(2) Persons authorized to withdraw DNA samples under this section shall not be civilly or criminally liable for withdrawing a DNA sample and transmitting test results if they act in good faith and pursuant to this act.

(3) It shall be a complete defense to a civil or criminal action if the law enforcement and correction officials who physically restrain a person for the taking of a DNA sample, acted in good faith and under the instruction and supervision of medical personnel under this statute to withdraw DNA samples.

12-1.6-10. Procedures for conduct, disposition and use of DNA analysis. - The department of health shall within one hundred and eighty (180) days of passage of this act promulgate procedures to be used in the collection, submission, identification, analysis, storage and disposition of DNA samples and typing results of DNA samples submitted under this chapter. These procedures shall meet or exceed the current standards for quality assurance and proficiency testing for DNA analysis issued by the FBI. All DNA sample typing results, all DNA records and all DNA samples shall be securely stored in the state of Rhode Island DNA database and DNA databank respectively, in the following manner;

(a) All DNA sample typing results and the DNA records shall be stored in a computer database after all personal identifiers have been removed. Further, these records shall be accessed only through the use of an encryption code. The encryption code shall be confidential and only those persons authorized by the department of health and charged with responsibilities under this act shall have access to these records and shall be given the encryption code.

(b) All DNA samples shall be securely locked, with a coded locking system, in a DNA databank at the department of health and only the director of the department of health and the head of the DNA laboratory shall have access to these DNA samples to carry out the provisions of this act.

(2) The department of health is authorized to contract with third parties for purposes of creating a DNA record only. Any third party contracting to carry out the functions of this act shall be subject to the same restrictions and requirements of this chapter and DNA samples provided to third parties pursuant to this section shall have all personal identification removed.

(3) Except as otherwise provided in section 12-1.6-1 1. DNA samples and DNA records collected under this chapter shall be used only for law enforcement identification purposes or to assist in the recovery of identification of human remains from disasters or for other humanitarian identification purposes, including identification of missing persons; and

(4) DNA samples and DNA records collected under this chapter shall never be used under the provisions of this

chapter for the purpose of obtaining information about physical characteristics, traits or predispositions for disease.

12-1.6-11. DNA database exchange. It shall be the duty of the department of health to collect DNA samples. to receive. store, and to perform analysis or to contract for DNA typing analysis with a qualified DNA laboratory that meets the regulations as established by the department of health. to classify and to file the DNA record of identification characteristic profiles of DNA samples submitted under this chapter and to make such information available as provided in this section. Access to the DNA databank shall be for identification analysis only and shall be limited upon a showing of need to duly constituted federal, state and local law enforcement agencies and their servicing forensic DNA laboratories and by court order to the defendant or his/her attorney in a criminal case. The contents of the DNA record of individuals in the state DNA database shall be made available;

- (1) To criminal justice agencies or approved DNA forensic laboratories which serve these agencies; or
- (2) Upon written or electronic request and in furtherance of an official investigation by a criminal justice agency or its designated forensic laboratory of a criminal offense or offender or suspected offender;
- (3) To prosecuting attorneys who are actively involved in a case in which the DNA record of an individual is relevant; to grand juries and courts when such records are subpoenaed; to defense attorneys when the DNA record is relevant to a pending case.
- (4) The department of health shall consistent with the provisions of this chapter promulgate regulations governing the methods of obtaining information from the state DNA database and CODIS and procedures for verification of the identity and authority of the requester; and
- (6) The department of health may create a separate population database comprised of DNA samples obtained under this act after all personal identification is removed. The department of health may share or disseminate the population database with other criminal justice agencies or forensic DNA laboratories that serve to assist the department of health with statistical databases. The population database may be made available to and searched by other agencies participating in the CODIS system.

12-1.6-12. Cancellation of authority to access or exchange DNA records. The department of health shall be authorized. for good cause shown. to revoke or suspend the right of a forensic DNA laboratory within this state to access or exchange DNA identification records with criminal justice agencies.

12-1.6-13. Expungement. - A person whose DNA record or profile has been included in the databank pursuant to this act may request expungement, on the grounds that the conviction on which authority for including that person's DNA record or profile was based, has been reversed. The department of health shall purge all records and identifiable information in the database pertaining to the person and destroy all samples from the person upon receipt of a written request for expungement pursuant to this section and a certified copy of the final court order reversing the conviction. The department of health shall purge and destroy all records and identifiable information in its database and all DNA samples taken pursuant to this act from convicted persons upon official proof that the person has been deceased for a period of at least three (3) years. Official proof shall include but not be limited to a certified copy of a death certificate.

12-1.6-14. Prohibition and disclosure. (1) Any person. who. by virtue of employment or official position, or any person contracting to carry out any functions under this act, including any officers, employees and agents of such contractor, who has possession of or access to individually identifiable DNA information contained in the state DNA database or in the state DNA databank shall not disclose it in any manner to any person or agency not authorized to receive it knowing that such person or agency is not authorized to receive it.
(2) No person shall obtain individually identifiable DNA information from the state DNA database or the state DNA databank without authorization pursuant to this chapter to do so.

12-1.6-16.Criminal penalties - Civil Remedies. - (1) Any person who, by virtue of employment or official position. or any person contracting to carry out any functions under this chapter, including any officers, employees and agents of such contractor. having possession of or access to individually identifiable DNA information contained in the state DNA database or in the state DNA databank and discloses it in any manner to any person or agency not authorized to receive it commits a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one (1) year or both.

(2) Except as authorized by law, any person, who, for purposes of having DNA analysis performed, obtains or attempts to obtain any DNA sample, or tampers or attempts to tamper with any DNA sample, commits a felony punishable by a fine not more than five thousand dollars (\$6,000) or imprisonment for not more than five (6) years or both.

(3) Any person aggrieved by a violation of section 12-1.6-14 may, in addition, bring a civil action for damages, injunctive relief, and reasonable attorneys' fees.

12-1.6-16. Confidentiality of records. -All DNA profiles and samples submitted to the department of health pursuant to this chapter shall be treated as confidential and exempt from the provisions of chapter 38-2 except as otherwise provided in this act.

12-1.6-17. Convicted persons. Refusal to give DNA sample.- Any person who is required to have a DNA sample taken, who refuses to do so, and who knowingly violently resists the taking of a DNA sample duly authorized by medical personnel, shall be in violation of the terms of his/her release, regardless of whether or not such term was a special condition of his/her release on probation, parole, or home confinement or other form of supervised release.

12-1.6-18. Interpretation and severability. The provisions of this chapter shall be liberally construed and shall be held to be in addition to, and not in substitution for or a limitation of, the provisions of any other law. If any provision or part thereof of this chapter or application thereof to any person or circumstances is held unconstitutional or otherwise invalid, the remainder of the chapter and the application of such provisions to any other persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SECTION 2. This act shall take effect upon passage.

Respectfully submitted,

JOSEPH N. McNAMARA
Representative, District 29

The motion to amend is read and prevails on a roll call vote, 81 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 81: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Cicilline, Coderre, Coelho, Costantino, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Kelley, Kelso, Kennedy, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Malik, McCauley, McNamara, Menard, Mesolella, Millard, Montalbano, Munsch, Naughton, Palangio, Palumbo, Panciera, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

Representatives Pisaturo and McNamara discuss the act.

Read and passed, as amended, on a roll call vote, 76 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 76: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Bierman, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Coderre, Coelho, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Malik, Martineau, McCauley, McNamara, Menard, Mesolella, Millard, Montalbano, Munsch,

Naughton, Palangio, Palumbo, Panciera, Picard, Fires, Pisaturo, Quick, Reilly, Rose, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Smith, Voccola, Walter, Wasylyk, Williamson, Winfield.

NAYS - 5: Representatives Cicilline, Costantino, Fox, Rabideau, Slater.

3. (98-H 7978) (Substitute cc An Act relating to towns and cities - award of municipal contracts.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A". The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on motion of Representative Kennedy, seconded by Representatives Rose, Henseler, Faria, Benson, Coelho, Coderre, M. Anderson and Palangio, on a roll call vote, 82 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 82: The Honorable Speaker Harwood and Representatives Aiken.Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Cicilline, Coderre, Coelho, Costantino, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Malik, Martineau, McCauley, McNamara, Menard, Mesoella, Millard, Montalbano, Munschy, Naughton, Palangio, Palumbo, Panciera, Picard, Fires, Pisaturo, Quick, Rabideau, Reilly, Rose, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Smith, Voccola, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS -0.

4. (98-H7598) An Act relating to criminal procedure.

Committee on Judiciary recommends passage.

Representative Flaherty moves passage of the act, seconded by Representatives Faria, Giannini, Reilly, McNamara, San Bento and Long.

Representatives C. Levesque and Cicilline discuss the act.

Read and passed, on motion of on a roll call vote, 52 members voting in the affirmative and 30 members voting in the negative as follows:

YEAS 52: The Honorable Speaker Harwood and Representatives Anderson, M., Anderson, S., Anzeveno, Barone, Benson, Bierman, Cambio, Carpenter, Carter, Coderre, Coelho, DeSimone, Faria, Farrell, Ferguson, Flaherty, Garvey, George, Giannini, Ginaitt, Henseler, Inman, Iwuc, Kelso, Kennedy, Lanzi, Little, Long, Malik, Martineau, McNamara, Menard, Mesoella, Millard, Montalbano, Naughton, Falangio, Palumbo, Panciera, Picard, Quick, Rabideau, Reilly, Rose, San Bento, Sherlock, Simonian, Smith, Wasylyk, Williamson, Winfield.

NAYS - 30: Representatives Aiken-Salandria, Ajello, Amaral, Benoit, Burlingame, Callahan, Carroll, Cicilline, Costantino, Fleury, Fox, Hetherington, Iannitelli, Jacquard, Kelley, Levesque, C., Levesque, G., Lima, Lopes, McCauley, Munschy, Fires, Fisaturo, Salisbury, Scott, Shavers, Slater, Voccola, Walter, Watson.

5. (98-H7278) (Substitute "A") An Act relating to municipal detention facilities.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute The bill marked Substitute cc~, read and passed, and the original bill indefinitely postponed, on motion of Representative Flaherty, seconded by Representatives Faria, Farrell, Caruolo, McNamara, San Bento, Palumbo and M. Anderson, on a roll call vote, 79 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS 79: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Benoit, Benson, Bierman, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter,

Caruolo, Cicilline, Coderre, Coelho, Costantino, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Malik, Martineau, McCauley, McNamara, Menard, Mesoellea, Millard, Montalbano, Munschy, Naughton, Falangio, Falumbo, Fanciera, Ficard, Fires, Fisaturo, Quick, Rabideau, Reilly, Rose, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Smith, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS -0.

6. (98-H7272) (Substitute "A") An Act relating to criminal offenses - sexually violent predators.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A". The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on motion of Representative Palumbo, seconded by Representative Caruolo, on a roll call vote, 75 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 75: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Benoit, Benson, Bierman, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Caruolo, Coderre, Coelho, Costantino, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Lanzi, Lima, Little, Long, Lowe, Malik, McCauley, McNamara, Menard, Mesoellea, Montalbano, Munschy, Naughton, Palangio, Falumbo, Fanciera, Picard, Fires, Fisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Shavers, Sherlock, Simonian, Smith, Voccola, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS - 6: Representatives Ajello, Cicilline, Fox, Levesque, C., Levesque, G., Scott.

7.

(98-H 7297) An Act relating to correctional institutions- parole hearings.

Committee on Judiciary recommends passage.

Representative McNamara moves passage of the act, seconded by Representatives Caruolo and Naughton.

By unanimous consent, Representative McNamara, seconded by Representative Reilly, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(98-H 7297)

Mr. Speaker:

I hereby move to amend (98-H 7297) entitled "AN ACT RELATING TO CORRECTIONAL INSTITUTIONS - PAROLE HEARINGS" as follows:

By deleting all the language following the enactment clause and inserting in place thereof the following;

SECTION 1. Section 13-8-6 of the General Laws in Chapter 13- 8 entitled "Parole" is hereby amended to read as

follows;

13-8-6. Duties of executive secretary - Case folders.- (a) The duties of the executive secretary shall include the following;

- (1) To administer the office of the parole board;
- (2) To supervise the collection of data for each applicant for parole;
- (3) To summarize collected data and prepare a folder on each applicant for parole, including the summary of the information collected from the above sources, or any other sources which are deemed appropriate, together with the original supporting documents, and all communications addressed to the board and its members concerning the applicant for parole;
- (4) To maintain, in the folder of each applicant, the report of the board provided for in section 13-8-23;
- (5) To arrange for each meeting of the board;
- (6) To prepare all reports required of the board;
- (7) To send to the state police a list of all persons, including their date of birth and last known address prior to incarceration, lead offenses, and the name of the police department which prosecuted the person, whose application for parole is to be considered by the board, not less than six (6) weeks prior to the meeting to consider the applications, in order that the state police can provide the information to all local police departments by teletype, so that the state police and the local police departments may return any comment deemed appropriate at least two (2) weeks prior to the scheduled meeting; **and to make a reasonable effort to notify the victim of the crime committed by the prisoner or in homicide cases the victim's next of kin and/or, in cases where the victim is a minor, the victim's parent and/or legal guardian, not less than thirty (30) days prior to the meeting, of his or her right to provide a victim impact statement to the board;**
- (8) To furnish the attorney general, the state police, and the local police departments set forth in section 13-8-9.1 with a photograph (or a reasonable facsimile thereof) of each prisoner released, taken at the time of his or her release on parole;
- (9) To notify the police department of the town or city in which the prisoner resided before sentence and the police department of the city or town in which he or she is to reside, at least five (5) days prior to the release of any prisoner on parole, of the release;
- (10) To have published in a newspaper of general circulation, once a month, the names of the persons whose applications for parole are to be considered within the upcoming month and the hearing date or dates thereof;
- (11) To prepare a list of all individuals released by the board;
- (12) To maintain that list in the permanent files of the office of the board, which list shall be a public record;
- (13) To confer with the director of corrections on all matters relating to the activities of the board; and
- (14) To perform related duties as required.

(b) Case folders shall be made available to each member of the board not less than a week prior to its meeting to interview applicants for parole and shall be maintained in the permanent files of the board.

For the purposes of subsection (7) of this section the following words and phrases shall have the following meanings;

"Victim" means an individual who has suffered direct or threatened physical, emotional, or financial harm as the result of the commission of a crime or an immediate family member of a minor or a homicide victim.

"Victim impact statement means a statement providing information about the financial, emotional, and physical effects of a crime on the victim and the victim's family, and specific information about the victim, the circumstances surrounding the crime, and the manner in which it was perpetrated.

SECTION 1. Section 12-28-6 of the General Laws in Chapter 12-28 entitled "Victim's Rights" is hereby amended to read as follows:

12-28-6. Right to address parole board. - (a) Prior to acting upon the petition or any continuance thereof of an inmate at the adult correctional institution or the women's reformatory, the parole board shall notify the victim, if he or she is identified and his or her residence is known, of the criminal conduct for which the inmate has been incarcerated of the pendency of the proceedings before the board. The victim shall upon request be afforded the opportunity to address the board regarding the impact of the crime upon the victim. Provided, that the board may, in its discretion, permit the parent and/or legal guardian of a victim who is a minor at the time of the hearing to address the board on behalf of said minor.

(b) Should the parole board be unable to locate the victim, the board shall seek the assistance of the local police

department of the city or town where the victim was last known to have resided. The police department shall make every effort to locate the victim and shall, no later than thirty (30) days from the date its assistance was sought, send a written report to the parole board detailing its efforts to locate said victim.

(c) Whenever the parole board shall seek the assistance of any police department in locating a victim, the board shall not act upon the inmate's petition until it has reviewed the written report from the assisting police department.

(d) For the purposes of this section, a "victim" is one who has sustained personal injury or loss of property directly attributable to the criminal conduct for which the inmate has been incarcerated. In homicide cases, a member of the immediate family of the victim shall be afforded the right created by this section.

(e) The board shall also make a reasonable effort to notify the victim of the crime committed by the prisoner, or, in homicide cases, the victim's next of kin, and/or, in cases where the victim is a minor, the victim's parent and/or legal guardian, not less than thirty (30) days prior to the meeting, of his or her right to provide a victim impact statement to the board.

As used herein, the term "Victim Impact Statement" shall mean a statement providing information about the financial, emotional, and physical effects of a crime on the victim and the victim's family, and specific information about the victim, the circumstances surrounding the crime, and the manner in which it was perpetrated.

SECTION 2. This act shall take effect upon passage.

Respectfully submitted,

JOSEPH N. McNAMARA
Representative, District 29

The motion to amend is read and prevails on a roll call vote, 81 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 81: The Honorable Speaker Harwood and Representatives Aiken.Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Benson, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Caruolo, Cicilline, Coderre, Coelho, Costantino, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Lanzi, Levesque, C., Levesque, G., Lima, Little, Lowe, Malik, McCauley, McNamara, Menard, Mesolella, Montalbano, Munschy, Naughton, Falangio, Falumbo, Fanciera, Ficard, Fires, Fisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS -0.

Read and passed, as amended, on a roll call vote, 79 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 79: The Honorable Speaker Harwood and Representatives Aiken.Salandria, Ajello, Amaral, Anderson, M., Anzeveno, Barr, Benoit, Benson, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Caruolo, Cicilline Coderre, Coelho, Costantino, 1)eSimone, Faria, Farrell' Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini', Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Kelley, Kelso, Kennedy, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Lowe, Malik, McNamara, Menard, Mesolella, Montalbano, Montanaro, Munschy, Naughton, Falangio, Falumbo, Fanciera, Ficard, Fisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS -0.

8. (98-H7717) An Act relating to state affairs and government.

Committee on Judiciary recommends passage.

Representative Flaherty moves passage of the act, seconded by Representatives Caruolo, Benson, McNamara, Palumbo, Faria and Coelho.

Representatives Cicilline and Flaherty discuss the act.

Read and passed, on a roll call vote, 78 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 78: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Benson, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Caruolo, Coderre, Coelho, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Jacquard, Kelley, Kelso, Kennedy, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Lowe, Malik, McCauley, McNamara, Menard, Montalbano, Montanaro, Naughton, Falangio, Falumbo, Fanciera, Ficard, Fires, Fisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Smith, Voccola, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS - 3: Representatives Ajello, Cicilline, Fox.

9. (98-H7358 as amended) An Act relating to criminal offenses- treason and related offenses.

Committee on Judiciary recommends passage as amended.

Read and passed, as amended, on motion of Representative Flaherty, seconded by Representatives Caruolo, Benson and Cicilline, on a roll call vote, 78 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 78: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Anderson, M., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Caruolo, Cicilline, Coderre, Coelho, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Jacquard, Kelley, Kelso, Kennedy, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Lowe, Malik, McCauley, McNamara, Menard, Mesolella, Montanaro, Munschy, Naughton, Falangio, Falumbo, Fanciera, Ficard, Fires, Fisaturo, Quick, Rabideau, Rose, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Wasylyk, Watson, Williamson, Winfield.

NAYS - 3: Representatives Anderson, S., Iwuc, Reilly.

10. (98-H7113) (Substitute "A" as amended) An Act relating to criminal offenses - weapons.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of cc Substitute A as amended.

Representative Carpenter moves passage of the act, seconded by Representatives Caruolo, Palumbo, Aiken-Salandria, Menard, Kelso, Hetherington and Giannini.

Representative Carpenter discusses the act. The bill marked Substitute cc~, read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 53 members voting in the affirmative and 34 members voting in the negative as follows:

YEAS 53: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Anderson, M., Anzeveno, Barone, Barr, Benoit, Bramley, Burlingame, Carpenter, Carroll, Carter, Caruolo, Cicilline, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Flaherty, Fleury, Fox, Garvey, Giannini, Henseler, Hetherington, Kelso, Kilmartin, Lally, Levesque, C., Levesque, G., Lima, Long, Lopes, Lowe, Martineau, McNamara, Menard, Mesolella, Montanaro, Naughton, Falumbo, Fanciera, Quick, Rose, Scott, Shavers, Sherlock, Smith, Williamson, Winfield.

NAYS - 34: Representatives Amaral, Anderson, S., Bierman, Callahan, Cambio, Coderre, Ferguson, George, Ginaitt, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kennedy, Lanzi, Little, Malik, McCauley, Montalbano, Munschy, Falangio, Ficard, Fires, Fisaturo, Rabideau, Reilly, Russo, San Bento, Simonian, Slater, Voccola, Walter, Watson.

REQUESTS

Representative Coelho requests the Journal to reflect that if his machine did not malfunction on (98-H 7113) (Substitute "A"), he would have voted in the affirmative.

There is no objection.

Representative Benson requests the Journal to reflect that if her machine did not malfunction on (98-H 7113) (Substitute "A"), she would have voted in the negative.

There is no objection.

CALENDAR

11. (98-H7268 as amended) An Act relating to health and safety.

Committee on Labor recommends passage as amended,

Read and passed, as amended, on motion of Representative Faria, seconded by Representatives Flaherty, Caruolo, 5. Anderson and Reilly, on a roll call vote, 79 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 79: The Honorable Speaker Harwood and Representatives Aiken.Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Carpenter, Caruolo, Cicil. line, Coderre, Coelho, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fox, Garvey, George, Giannini, Ginaitt, Hetherington, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Lowe, Malik, McCauley, McNamara, Menard, Mesoella, Montalbano, Montanaro, Munschy, Naughton, Falangio, Falumbo, Fanciera, Ficard, Fires, Fisaturo, Quick, Rabideau, Reilly, Rose, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Williamson, Winfield.

NAYS -0.

12. (98-H7711) An Act relating to motor and other vehicles- motor vehicle reparations act.

Committee on Judiciary recommends passage.

Read and passed, on motion of Representative Flaherty, seconded by Representatives Faria, Fox, Costantino, Coderre, Barr and Martineau, on a roll call vote, 88 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS 88: The Honorable Speaker Harwood and Representatives Aiken.Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Cambio, Carroll, Carter, Caruolo, Cicilline, Coderre, Coelho, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Lowe, Malik,

McCauley, McNamara, Menard, Mesolella, Montalbano, Montanaro, Munschy, Naughton, Falangio, Falumbo, Fanciera, Ficard, Fisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS -0.

13. (98-H7352 as amended) An Act relating to bail and recognizance.

Committee on Judiciary recommends passage as amended.

Read and passed, as amended, on motion of Representative Flaherty, seconded by Representatives Cicilline and Faria, on a roll call vote, 79 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 79: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Cambio, Carroll, Carter, Cicilline, Coderre, Coelho, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Flaherty, Fleury, Fox, George, Giannini, Ginaitt, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, G., Lima, Little, Long, Lopes, Lowe, Malik, McCauley, McNamara, Mesolella, Montalbano, Montanaro, Munschy, Naughton, Falangio, Falumbo, Fanciera, Ficard, Fisaturo, Quick, Rabideau, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Williamson, Winfield.

NAYS - 1: Representative Reilly.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor, and to the Honorable Senate forthwith.

ANNOUNCEMENT

Representative Aiken-Salandria congratulates Representative Doctor Paul Sherlock on being inducted into the Trudeau Center Hall of Fame.

Representative Kelley also congratulates Doctor Sherlock.

ADJOURNMENT

At 5:55 o'clock P.M. on motion of Representative Rose, and as a further mark of respect to the memory of Anthony Cunha, Jr.; on motion of Representative Kelley, and as a further mark of respect to the memory of Eleanor Potter Thomas, seconded by Representatives Caruolo and Salisbury, the House adjourns, on a unanimous rising vote.

LINDA McELROY
Recording Clerk

Appendix

INVOCATION

REFRESENTATIVE JOANNE M. GIANNINI

Lord, may it be Thy will, not our own, which governs our deliberations this day.Amen.

Appendix

CONSENT CALENDAR

In order for Friday, April 24, 1998:

(98-S 2014) An Act relating to the Westerly Fire District.

Committee on Corporations recommends passage in concurrence.

LOUIS D'ANTUONO
Reading Clerk
Tuesday, April 21, 1998

Appendix

CALENDAR

In order for Wednesday, April 22, 1998:

1. (98-H 7728) An Act relating to education curriculum.

Committee on Health, Education and Welfare recommends passage.

2. (98-H8294) House Resolution creating a special House commission to develop a public agenda for Rhode Island.

Committee on Special Legislation recommends passage.

3. (98-H8241) An Act relating to vicious dogs.

Committee on Special Legislation recommends passage.

4. (98-H8096) (Substitute "A") An Act relating to education- voter registration.

Committee on Special Legislation recommends indefinite postponement of the original bill and passage of Substitute "A".

5. (98-H 7801) An Act relating to confidentiality of health care communications and information act - limitations on and permitted disclosures.

Committee on Health, Education and Welfare recommends passage.

6. (98-H8781) An Act relating to the Department of Elderly Affairs.

Committee on Health, Education and Welfare recommends passage.

7. (98-H8075) An Act relating to the rights of the terminally ill.

Committee on Health, Education and Welfare recommends passage.

8. (98-H8064 as amended) An Act relating to emergency medical transportation services.

Committee on Health, Education and Welfare recommends passage as amended.

9. (98-H 7817) (Substitute "A") An Act relating to business and professions.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

10. (98-H7200) (Substitute "A") An Act relating to education- establishing a right to a safe school for higher education.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

11. (98-H7821) (Substitute "A") An Act relating to businesses and professions physician assistants.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

12. (98-H7375) An Act relating to lost or missing children.

Committee on Corporations recommends passage.

13. (98-H8301) An Act relating to Rhode Island nonprofit corporations.

Committee on Corporations recommends passage.

14. (98-H8254) An Act relating to health and safety - Rhode Island Resource Recovery Corporation.

Committee on Corporations recommends passage.

15. (98-H8055) An Act relating to businesses and professions.

Committee on Corporations recommends passage.

16. (98-H7960) An Act relating to insurance.

Committee on Corporations recommends passage.

17. (98-H8005) An Act relating to lay away sales.

Committee on Corporations recommends passage.

18. (98-H7969) An Act relating to professional service corporations.

Committee on Corporations recommends passage.

19. (98-H7665) An Act relating to businesses and professions- public accountancy.

Committee on Corporations recommends passage.

20. (98-H7718) An Act relating to businesses and professions- architects.

Committee on Corporations recommends passage.

21. (98-H7591) An Act relating to insurance.

Committee on Corporations recommends passage.

22. (98-H8247) An Act relating to relief of injured and deceased fire fighters and police officers.

Committee on Corporations recommends passage.

23. (98-H8189) An Act relating to state affairs and government- insurers - settlement.

Committee on Corporations recommends passage.

24. (98-H8023) An Act relating to municipal firemen - incentive pay.

Committee on Corporations recommends passage.

25. (98-H8018) An Act relating to housing maintenance and occupancy code.

Committee on Corporations recommends passage.

26. (98-H8013) An Act relating to commercial law - truth in lending and retail selling.

Committee on Corporations recommends passage.

27. (98-H8006) An Act relating to the state building code.

Committee on Corporations recommends passage.

28. (98-H7919 as amended) An Act relating to cruelty to animals.

Committee on Judiciary recommends passage as amended.

29. (98-H7583) An Act relating to criminal procedure.

Committee on Judiciary recommends passage.

30. (98-H7904) An Act relating to obsolete and no longer applicable statutes.

Committee on Judiciary recommends passage.

31. (98-H7716) (Substitute "A") An Act relating to courts and civil procedure.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A".

32. (98-H 7554) (Substitute "A") An Act relating to towns and cities - Bristol Municipal Court.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute

33. (98-H7456) (Substitute "A") An Act relating to domestic relations - temporary orders.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A".

34. (98-H7676) (Substitute "A") An Act relating to children.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute " A"

35. (98-H7537) (Substitute "A") An Act relating to the city of Central Falls - Municipal Court.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A".

36. (98-H 8720) An Act relating to labor -employment security.

Committee on Labor recommends passage.

37. (98-H7870) (Substitute "A") An Act relating to Department of Health - tattooing and body piercing.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

38. (98-H 7630 as amended) Joint Resolution memorializing Congress to implement a national data bank documenting persons convicted of child abuse/neglect.

Committee on Health, Education and Welfare recommends passage as amended.

39. (98-H7467) (Substitute "A") An Act relating to health and safety - home care patient/ client rights.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute " A"

40. (98-H8892) An Act relating to sexual harassment, education and training in the workplace.

Committee on Labor recommends passage.

41. (98-H7892) An Act relating to abused and neglected children.

Committee on Judiciary recommends passage.

42. (98-H7897) An Act relating to public officers and employees- selective service registration awareness and compliance act.

Committee on Judiciary recommends passage.

43. (98-H8103) An Act relating to disorderly conduct.

Committee on Judiciary recommends passage.

44. (98-H8234) An Act relating to delinquent and dependent children.

Committee on Judiciary recommends passage.

45. (98-H8278) An Act relating to community obligations and banking offenses - fraudulent checks.

Committee on Judiciary recommends passage.

46. (98-H8321) An Act relating to weapons.

Committee on Judiciary recommends passage.

47. (98-H8029) An Act relating to criminal procedure.

Committee on Judiciary recommends passage.

48. (98-H8028) An Act relating to the Department of Corrections.

Committee on Judiciary recommends passage.

49. (98-H7750) An Act relating to trusts for minors.

Committee on Judiciary recommends passage.

50. (98-H8309) (Substitute "A") An Act relating to criminal law - warrant squad.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A".

51. (98-H7901) (Substitute "A") An Act relating to the Department of Corrections.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A".

52. (98-H 7689) An Act relating to public property and works- authorizing the transfer of property in the town of North Kingstown to the Rhode Island Economic Development Corporation.

Committee on Corporations recommends passage.

53. (98-H7795) House Resolution creating a special House commission to study all aspects of organ donations.

Committee on Health, Education and Welfare recommends passage.

54. (98-H7446) (Substitute "A" as amended) An Act relating to health and safety.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

55. (98-H8085) An Act relating to handicapped children - transition from school to self-sufficient adulthood.

Committee on Health, Education and Welfare recommends passage.

56. (98-H7555) An Act relating to food and drugs - uniform controlled substances act.

Committee on Health, Education and Welfare recommends passage.

57. (98-H7819) An Act relating to health and safety.

Committee on Health, Education and Welfare recommends passage.

58. (98-H7871) (Substitute "A") An Act relating to businesses and professions.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

59. (98-H7797) An Act relating to motor and other vehicles- operators' and chauffeurs' licenses.

Committee on Health, Education and Welfare recommends passage.

60. (98-H7793 as amended) An Act relating to state affairs and government.

Committee on Health, Education and Welfare recommends passage as amended.

61. (98-H7800) An Act relating to operators' and chauffeurs' licenses - anatomical gifts.

Committee on Health, Education and Welfare recommends passage.

62. (98-H7393) An Act relating to health and safety - establishing freedom of access to clinic entrances.

Committee on Health, Education and Welfare recommends passage.

63. (98-H7285 as amended) An Act relating to health and safety of pupils.

Committee on Health, Education and Welfare recommends passage as amended.

Appendix

CALENDAR

In order for Thursday, April 23, 1998:

1. (98-H 8738 as amended) An Act authorizing the establishment of a Municipal Court in East Greenwich.

Committee on Judiciary recommends passage as amended.

2. (98-H8063) (Substitute "A") An Act relating to health and safety - people's privacy act.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

3. (98-H7995) An Act relating to alcoholic beverages - retail licenses.

Committee on Special Legislation recommends passage.

4. (98-H7996) An Act relating to alcoholic beverages - general provisions.

Committee on Special Legislation recommends passage.

5. (98-H 8436) Joint Resolution calling upon the governments of Cape Verde, the United States of America and the state of Rhode Island to form a state relationship between Rhode Island and Cape Verde.

Committee on Special Legislation recommends passage.

6. (98-H8016) (Substitute "A") An Act relating to businesses and professions.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

7. (98-H8192) (Substitute "A") An Act relating to motor and other vehicles - responsibility of owners of rental vehicles.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

8. (98-H7279 as amended) An Act relating to zoning ordinances.

Committee on Corporations recommends passage as amended.

9. (98-H7540 as amended) An Act relating to disability business enterprises.

Committee on Corporations recommends passage as amended.

10. (98-H7745) (Substitute "A") An Act relating to statutes and statutory construction.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A".

11. (98-H8793) (Substitute "A") An Act relating to health insurance coverage.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

12. (98-H8056) (Substitute "A") An Act relating to telecommunications.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

13. (98-H7980) (Substitute "A") An Act relating to health and safety - lead paint.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

14. (98-H8250) An Act relating to HMO's.

Committee on Corporations recommends passage.

15. (98-H7831) An Act relating to public utilities and carriers - community antenna television systems.

Committee on Corporations recommends passage.

16. (98-H 7911) (Substitute "A") An Act relating to state affairs and government - open meetings.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A"(
17. (98-H7888) (Substitute "A") An Act relating to access to public records.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A".

18. (98-H8706) (Substitute " A") An Act relating to proceedings in Family Court.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute

19. (98-H8789 as amended) An Act relating to criminal offenses.

Committee on Judiciary recommends passage as amended.

20. (98-H8952 as amended) An Act relating to motor and other vehicles operation of bicycles.

Committee on Judiciary recommends passage as amended.

21. (98-H7898) An Act relating to alcoholic beverages - identification cards.

Committee on Judiciary recommends passage.

22. (98-H7894) An Act relating to motor vehicles - motor vehicles reparations act.

Committee on Judiciary recommends passage.

23. (98-H8233) An Act relating to weapons.

Committee on Judiciary recommends passage.

24. (98-H7469) An Act relating to partial birth abortions.

Committee on Judiciary recommends passage.

25. (98-H7657) An Act relating to criminal offenses - mandatory community restitution.

Committee on Judiciary recommends passage.

26. (98-H8797) An Act relating to civil and criminal procedure.

Committee on Judiciary recommends passage.

27. (98-H8223) An Act relating to the administrative procedures act.

Committee on Judiciary recommends passage.

28. (98-H 8659) An Act relating to insurance - reporting of health care fraud.

Committee on Judiciary recommends passage.

29. (98-H8033) An Act relating to businesses and professions- shows and exhibitions.

Committee on Judiciary recommends passage.

30. (98-H8031) An Act relating to domestic violence prevention act.

Committee on Judiciary recommends passage.

31. (98-H7905) An Act relating to open meetings.

Committee on Judiciary recommends passage.

32. (98-H7313) An Act relating to interception of wire and oral communications.

Committee on Judiciary recommends passage.

33. (98-H7913) An Act relating to motor vehicles.

Committee on Judiciary recommends passage.

34. (98-H8364) An Act relating to real estate -titles.

Committee on Judiciary recommends passage.

35. (98-H8282) An Act relating to businesses and professions- electricians.

Committee on Labor recommends passage.

36. (98-H 7593) Joint Resolution creating a special legislative commission to study the feasibility of allowing unionized classified employees at all higher education institutions to be able to negotiate directly with the Rhode Island Board of Governors.

Committee on Labor recommends passage.

37. (98-H 7752) An Act relating to labor -wages.

Committee on Labor recommends passage.

38. (98-H7202) An Act relating to labor.

Committee on Labor recommends passage.

39. (98-H7506) An Act relating to motor vehicle offenses- driving under the influence.

Committee on Judiciary recommends passage.

Appendix

CALENDAR

In order for Friday, April 24, 1998:

1. (98-H 8221) An Act relating to business and professions- manicurist.

Committee on Health, Education and Welfare recommends passage.

2. (98-H8083) (Substitute "A") An Act relating to the Rhode Island school-to-work transition act of 1996.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill passage of Substitute "A".

3.(98-H 7799) (Substitute "A") An Act relating to health care.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill passage of Substitute "A".

4. (98-H 8352) An Act relating to motor and other vehicles- parking facilities and privileges.

Committee on Health, Education and Welfare recommends passage.

5.(98-H 8081) (Substitute "A") An Act relating to health insurance coverage mandated hearing aid coverage.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill passage of Substitute "A".

6. (98-H 7123) (Substitute "A" as amended) An Act relating to health and safety - human cloning.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill passage of Substitute "A" as amended.

7. (98-H 7284) (Substitute "A") An Act relating to aeronautics- permanent noise monitoring act.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill passage of Substitute "A"

8. (98-H 7545) (Substitute "A") An Act relating to businesses and professions - nurses.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill passage of Substitute "A".

9.(98-H 8158) (Substitute "A") An Act relating to state affairs and government - DCYF records - confidentiality of records.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill passage of Substitute "A".

10. (98-H7732) (Substitute "A") An Act relating to health and safety - cemeteries -scattering of ashes.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill passage of Substitute "A"(

11. (98-H7516) An Act relating to labor and labor relations.

Committee on Labor recommends passage.

12. (98-H8042) (Substitute "A") An Act relating to labor and labor relations.

Committee on Labor recommends indefinite postponement of the original bill passage of Substitute

13. (98-H7479) (Substitute "A") An Act relating to workers' compensation - general provisions.

Committee on Labor recommends indefinite postponement of the original bill passage of Substitute

14. (98-H7820) An Act relating to workers' compensation insurance.

Committee on Labor recommends passage.

15. (98-H8799) (Substitute A as amended) An Act relating to labor and labor relations -workers' compensation.

Committee on Labor recommends indefinite postponement of the original bill passage of Substitute A as amended.

16. (98-H 8043) (Substitute "A") House Resolution creating a special House commission to study the impact of nursing staff overtime in hospitals in Rhode Island.

Committee on Labor recommends indefinite postponement of the original bill passage of Substitute

17. (98-H8325 as amended) An Act relating to employment security - reasonable assurance.

Committee on Labor recommends passage as amended.

18. (98-H 8339) (Substitute "A") An Act relating to apprenticeship.

Committee on Labor recommends indefinite postponement of the original bill passage of Substitute

19. (98-H 7810) (Substitute "A") An Act relating to businesses and professions -requiring the registration of roofing contractors.

Committee on Labor recommends indefinite postponement of the original bill passage of Substitute "A".

20. (98-H7675) An Act relating to labor and labor relations- arbitration of school teacher disputes.

Committee on Labor recommends passage.

21. (98-H8330 as amended) An Act relating to criminal procedure- domestic abuse.

Committee on Labor recommends passage as amended.

22. (98-H7310) (Substitute "A") An Act relating to labor and labor relations.

Committee on Labor recommends indefinite postponement of the original bill passage of Substitute "A".

23. (98-H7736) (Substitute "A") An Act relating to workers' compensation.

Committee on Labor recommends indefinite postponement of the original bill passage of Substitute "A".

24. (98-H7981) An Act relating to public utilities and carriers- the towing storage act.

Committee on Corporations recommends passage.

25. (98-H 7977 as amended) An Act relating to public utilities and carriers - duties of utilities and carriers.

Committee on Corporations recommends passage as amended.

26. (98-H7974) An Act relating to businesses and professions.

Committee on Corporations recommends passage.

27. (98-H7751) An Act relating to the Rhode Island Resource Recovery Agency.

Committee on Corporations recommends passage.

28. (98-H7879) (Substitute A as amended) An Act relating to public utility companies.

Committee on Corporations recommends indefinite postponement of the original bill passage of Substitute A as amended.

29. (98-H 7599) House Resolution memorializing U.S. Congress to investigate cable television rates.

Committee on Corporations recommends passage.

30. (98-H7558) An Act relating to property taxes and persons who are permanently and totally disabled.

Committee on Corporations recommends passage.

31. (98-H7504) An Act relating to barbers, hairdressers, cosmeticians.

Committee on Corporations recommends passage.

32. (98-H7436) An Act relating to public utilities and carriers- motor passenger carriers.

Committee on Corporations recommends passage.

33. (98-H7120) (Substitute "A") An Act relating to towns and cities - low and moderate income housing.

Committee on Corporations recommends indefinite postponement of the original bill passage of Substitute "A".

Appendix

CALENDAR

In order for Thursday, April 30, 1998:

1. (98-H 7585) An Act relating to criminal offenses - crime against nature.

Committee on Judiciary recommends passage.

LOUIS D'ANTUONO

Reading Clerk

Tuesday, April 21, 1998

As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

