

2017 -- H 5187 AS AMENDED

LC000374

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Introduced By: Representatives Maldonado, Keable, Barros, Blazejewski, and
McKiernan

Date Introduced: January 25, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 45-2 of the General Laws entitled "General Powers" is hereby
2 amended by adding thereto the following sections:

3 **45-2-65. Right to counsel.**

4 (a) If a city or town elects to prosecute a defendant with an offense that is punishable by
5 imprisonment in any court created under the authority of this chapter, the court shall advise the
6 defendant of their right to be represented by counsel and, if the defendant is indigent, the court
7 shall assign counsel to represent the defendant at every stage of the proceeding. The right to
8 counsel may be waived through a knowing, intelligent, and voluntary waiver, in writing and duly
9 executed on the record in open court.

10 (b) No defendant may be ordered detained at the adult correctional institution for
11 violation of a court order entered as a result of an adjudication that is not punishable by
12 imprisonment in the first instance.

13 **45-2-66. Ability to pay hearings.**

14 In any court created under the authority of this chapter, the procedures established in
15 §§11-25-15 and 12-6-7.1(b) shall be followed when a defendant is arrested and detained for
16 failure to appear at an ability to pay hearing, whether detained at the adult correctional facility or
17 at a police station.

18 SECTION 2. Section 45-6-2 of the General Laws in Chapter 45-6 entitled "Ordinances"
19 is hereby amended to read as follows:

1 **45-6-2. Imposition of penalties for ordinance violations.**

2 Town and city councils may impose penalties for the violation of ordinances and
3 regulations, not exceeding in amount five hundred dollars (\$500) or imprisonment not exceeding
4 thirty (30) days in some jail or house of correction, and/or require restitution in cases involving
5 property damage or personal injury in an amount up to twenty-five hundred dollars (\$2,500)
6 and/or ~~for voluntary~~ require community restitution for a ~~town or city agency~~ not-for-profit entity
7 for not more than ~~ten (10) days~~ fifty (50) hours for any one offense, ~~unless other penalties or~~
8 ~~penalties within other limits are specially prescribed by statute,~~ to be prosecuted by some officer
9 appointed for that purpose, and to be recovered to the use of the town or city, or of the person or
10 persons, and in the proportions, that the councils in their ordinances and regulations designate.

11 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES -- GENERAL POWERS

1 This act would require that cities and towns comply with certain procedures when
2 prosecuting defendants such as the right to counsel, and would amend the penalties imposed for
3 ordinance violations.

4 This act would take effect upon passage.

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