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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - PAROLE, MEDICAL
PAROLE, COMMUNITY CONFINEMENT, AND CORRECTIONAL IMPACTS

Introduced By: Senators McCaffrey, Lynch Prata, Lombardi, Conley, and Metts

Date Introduced: January 11, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 13-8-14.1 and 13-8-19 of the General Laws in Chapter 13-8
2 entitled "Parole" are hereby amended to read as follows:

3 **13-8-14.1. Parole standards.**

4 (a) At least once each calendar year the parole board shall adopt standards to be utilized
5 by the board in evaluating applications for parole of persons convicted of a criminal offense and
6 sentenced to the adult correctional institutions. These standards shall establish, with the range of
7 parole eligibility set by statute, the portion of a sentence which should be served depending on the
8 likelihood of recidivism as determined by a risk assessment, and shall serve as guidelines for the
9 board in making individual parole determinations.

10 (b) The board shall consider the applicable standard prior to rendering a decision on a
11 parole application, and may make a determination at variance with that standard only upon a
12 finding that the determination is warranted by individualized factors, such as the ~~character and~~
13 ~~criminal record~~ criminal history, attitudes, and values of the applicant that bear on the likelihood
14 to reoffend, ~~the nature and circumstances of the offense or offenses for which the applicant was~~
15 ~~sentenced~~, the conduct of the applicant while incarcerated, including meaningful participation in a
16 risk-reducing program and substantial compliance with the rules of the institution, pro-social or
17 anti-social associations, and the criteria set forth in § 13-8-14. "Risk-reducing program" means a
18 program that adheres to those elements that are shown in research to reduce recidivism.

1 (c) In each case where the board grants an application prior to the time set by the
2 applicable standard or denies an application on or after the time set by that standard, the board
3 shall set forth in writing the rationale for its determination.

4 **13-8-19. Arrest and return to institution on revocation of parole.**

5 (a) Whenever the permit of a prisoner is revoked, in accordance with the provisions of §
6 13-8-18.1 the parole board shall order the prisoner to be returned to the adult correctional
7 institutions or to the women's division of the adult correctional institutions, as the case may be, to
8 serve the remainder of the prisoner's original sentence according to the terms of that sentence.

9 (b) The time between the release of the prisoner under the permit and the prisoner's return
10 to the adult correctional institutions or the women's division of the adult correctional institutions
11 under order of the board ~~shall not~~ may be considered as any part of the prisoner's original
12 sentence. The parole board may choose to credit or revoke all or part of the time served under the
13 permit from the original sentence, taking into consideration the seriousness of the violation that
14 prompted revocation. The board shall adopt standards to be utilized in determining whether to
15 credit all or part of the time served under the permit from the original sentence.

16 (c) If a prisoner is at liberty when the prisoner's permit is revoked, the chairperson shall
17 issue his or her warrant to any officer authorized to serve criminal process to arrest the prisoner
18 and return the prisoner to the adult correctional institutions or the women's division of the adult
19 correctional institutions in accordance with the provisions of § 13-8-18.1 as ordered by the board.

20 (d) Where the prisoner is supervised by the parole board pursuant to a grant of parole by
21 a state or jurisdiction other than Rhode Island, the parole board shall issue a detention warrant
22 and order the prisoner committed to the adult correctional institution or the women's division of
23 the adult correctional institution until the authority from the state or other jurisdiction having
24 granted the prisoner parole takes custody of the prisoner.

25 SECTION 2. Sections 13-8.1-3 and 13-8.1-4 of the General Laws in Chapter 13-8.1
26 entitled "Medical Parole" are hereby amended to read as follows:

27 **13-8.1-3. Definitions.**

28 (a) "Permanently physically incapacitated" means suffering from a condition caused by
29 injury, disease, ~~or~~ illness, or cognitive insult such as dementia or persistent vegetative state,
30 which, to a reasonable degree of medical certainty, permanently and irreversibly physically
31 incapacitates the individual to the extent that the individual needs help with most of the activities
32 that are necessary for independence such as feeding, toileting, dressing, and bathing and
33 transferring, or no significant physical activity is possible, and the individual is confined to bed or
34 a wheelchair.

1 (b) "Terminally ill" means suffering from a condition caused by injury (except self-
2 inflicted injury), disease, or illness which to a reasonable degree of medical certainty is a life-
3 limiting diagnosis that will lead to profound functional, cognitive and/or physical decline, and
4 likely will result in death within ~~six (6)~~ eighteen (18) months.

5 (c) "Severely ill" means suffering from a significant and permanent or chronic physical
6 and/or mental condition that: (1) Requires extensive medical and/or psychiatric treatment with
7 little to no possibility of recovery; and (2) Precludes significant rehabilitation from further
8 incarceration.

9 **13-8.1-4. Procedure.**

10 (a) The parole board is authorized to grant release of a prisoner, except a prisoner serving
11 life without parole, at any time, who is determined to be terminally ill, severely ill or permanently
12 physically incapacitated within the meaning of § 13-8.1-3. Inmates who are severely ill will only
13 be considered for such release when their treatment causes the state to incur exorbitant expenses
14 as a result of continued and frequent medical treatment during incarceration, as determined by the
15 office of financial resources of the department of corrections.

16 (b) In order to apply for this relief, the prisoner or their family member or friend, with an
17 attending physician's written approval, or an attending physician, on behalf of the prisoner, shall
18 file an application with the director of the department of corrections. Within seventy-two (72)
19 hours after the filing of any application, the director shall refer the application to the health
20 service unit of the department of corrections for a medical report and a medical discharge plan to
21 be completed within ten (10) days. Upon receipt of the medical discharge plan the director of the
22 department of corrections shall immediately transfer the medical discharge plan together with the
23 application to the parole board for its consideration and decision.

24 (c) The report shall contain, at a minimum, the following information:

25 (1) Diagnosis of the prisoner's medical conditions, including related medical history;

26 (2) Detailed description of the conditions and treatments;

27 (3) Prognosis, including life expectancy, likelihood of recovery, likelihood of
28 improvement, mobility and trajectory, and rate of debilitation;

29 (4) Degree of incapacity or disability, including an assessment of whether the prisoner is
30 ambulatory, capable of engaging in any substantial physical activity, ability to independently
31 provide for their daily life activities, and the extent of that activity;

32 (5) An opinion from the medical director as to whether the person is terminally ill, and if
33 so, the stage of the illness or whether the person is permanently physically incapacitated or
34 severely ill. If the medical director's opinion is that the person is not terminally ill, permanently,

1 physically incapacitated, or severely ill as defined in § 13-8.1-3, the petition for medical parole
2 shall not be forwarded to the parole board.

3 (6) In the case of a severely ill inmate, the report shall also contain a determination from
4 the office of financial resources that the inmate's illness causes the state to incur exorbitant
5 expenses as a result of continued and frequent medical treatment during incarceration.

6 (d) When the director of corrections refers a prisoner to the parole board for medical
7 parole, the director shall provide to the parole board a medical discharge plan which is acceptable
8 to the parole board.

9 (e) The department of corrections and the parole board shall jointly develop standards for
10 the medical discharge plan that are appropriately adapted to the criminal justice setting. The
11 discharge plan should ensure at the minimum that:

12 (1) An appropriate placement for the prisoner has been secured, including, but not limited
13 to, a hospital, nursing facility, hospice, or family home;

14 (2) A referral has been made for the prisoner to secure a source for payment of the
15 prisoner's medical expenses;

16 (3) A parole officer has been assigned to periodically obtain updates on the prisoner's
17 medical condition to report back to the board.

18 (f) If the parole board finds from the credible medical evidence that the prisoner is
19 terminally ill, permanently physically incapacitated, or severely ill, the board shall grant release
20 to the prisoner but only after the board also considers whether, in light of the prisoner's medical
21 condition, there is a reasonable probability that the prisoner, if released, will live and remain at
22 liberty without violating the law, and that the release is compatible with the welfare of society
23 and will not so depreciate the seriousness of the crime as to undermine respect for the law.
24 Notwithstanding any other provision of law, release may be granted at any time during the term
25 of a prisoner's sentence.

26 (g) There shall be a presumption that the opinion of the physician and/or medical director
27 will be accepted. However, the applicant, the physician, the director, or the parole board may
28 request an independent medical evaluation within seven (7) days after the physician's and/or
29 medical director's report is presented. The evaluation shall be completed and a report, containing
30 the information required by subsection (b) of this section, filed with the director and the parole
31 board and a copy sent to the applicant within fourteen (14) days from the date of the request.

32 (h) Within seven (7) days of receiving the application, the medical report and the
33 discharge plan, the parole board shall determine whether the application, on its face, demonstrates
34 that relief may be warranted. If the face of the application clearly demonstrates that relief is

1 unwarranted, the board may deny the application without a hearing or further proceedings, and
2 within seven (7) days shall notify the prisoner in writing of its decision to deny the application,
3 setting forth its factual findings and a brief statement of the reasons for denying release without a
4 hearing. Denial of release does not preclude the prisoner from reapplying for medical parole after
5 the expiration of sixty (60) days. A reapplication under this section must demonstrate a material
6 change in circumstances.

7 (i) (1) Upon receipt of the application from the director of the department of corrections
8 the parole board shall, except as provided in subsection (h) of this section, set the case for a
9 hearing within thirty (30) days;

10 (2) Notice of the hearing shall be sent to the prosecutor and the victim(s), if any, of the
11 offense(s) for which the prisoner is incarcerated, and the prosecutor and the victim(s) shall have
12 the right to be heard at the hearing, or in writing, or both;

13 (3) At the hearing, the prisoner shall be entitled to be represented by an attorney or by the
14 public defender if qualified or other representative.

15 (j) Within seven (7) days of the hearing, the parole board shall issue a written decision
16 granting or denying medical parole and explaining the reasons for the decision. If the board
17 determines that medical parole is warranted, it shall impose conditions of release, which shall
18 include the following:

19 (1) Periodic medical examinations;

20 (2) Periodic reporting to a parole officer, and the reporting interval;

21 (3) Any other terms or conditions that the board deems necessary; and

22 (4) In the case of a prisoner who is medically paroled due to being severely ill, the parole
23 board shall require electronic monitoring as a condition of the medical parole, unless the health
24 care plan mandates placement in a medical facility that cannot accommodate the electronic
25 monitoring.

26 (k) If after release the releasee's condition or circumstances change so that he or she
27 would not then be eligible for medical parole, the parole board may order him or her returned to
28 custody to await a hearing to determine whether his or her release should be revoked. A release
29 may also be revoked for violation of conditions otherwise applicable to parole.

30 (l) An annual report shall be prepared by the director of corrections for the parole board
31 and the general assembly. The report shall include:

32 (1) The number of inmates who have applied for medical parole;

33 (2) The number who have been granted medical parole;

34 (3) The nature of the illness of the applicants, and the nature of the placement pursuant to

1 the medical discharge plan;

2 (4) The categories of reasons for denial for those who have been denied;

3 (5) The number of releasees on medical parole who have been returned to the custody of
4 the department of corrections and the reasons for return.

5 SECTION 3. Sections 42-56-20.2 and 42-56-38 of the General Laws in Chapter 42-56
6 entitled "Corrections Department" are hereby amended to read as follows:

7 **42-56-20.2. Community confinement.**

8 (a) Persons subject to this section. Every person who shall have been adjudged guilty of
9 any crime after trial before a judge, a judge and jury, or before a single judge entertaining the
10 person's plea of nolo contendere or guilty to an offense ("adjudged person") and every person
11 sentenced to imprisonment in the adult correctional institutions ("sentenced person") including
12 those sentenced or imprisoned for civil contempt, and every person awaiting trial at the adult
13 correctional institutions ("detained person") who meets the criteria set forth in this section shall
14 be subject to the terms of this section except:

15 (1) Any person who is unable to demonstrate that a permanent place of residence
16 ("eligible residence") within this state is available to that person; or

17 (2) Any person who is unable to demonstrate that he or she will be regularly employed,
18 or enrolled in an educational or vocational training program [within this state, and](#) within thirty
19 (30) days following the institution of community confinement; or

20 (3) (i) Any adjudged person or sentenced person or detained person who has been
21 convicted, within the five (5) years next preceding the date of the offense for which he or she is
22 currently so adjudged or sentenced or detained, of a violent felony.

23 A "violent felony" as used in this section shall mean any one of the following crimes or
24 an attempt to commit that crime: murder, manslaughter, sexual assault, mayhem, robbery,
25 burglary, assault with a dangerous weapon, assault or battery involving serious bodily injury,
26 arson, breaking and entering into a dwelling, child molestation, kidnapping, DWI resulting in
27 death or serious injury, driving to endanger resulting in death or serious injury.

28 (ii) Any person currently adjudged guilty of or sentenced for or detained on any capital
29 felony; or

30 (iii) Any person currently adjudged guilty of or sentenced for or detained on a felony
31 offense involving the use of force or violence against a person or persons.

32 These shall include, but are not limited to, those offenses listed in subsection (a)(3)(i); or

33 (iv) Any person currently adjudged guilty, sentenced, or detained for the sale, delivery, or
34 possession with intent to deliver a controlled substance in violation of § 21-28-4.01(a)(4)(i) or

1 possession of a certain enumerated quantity of a controlled substance in violation of §§ 21-28-
2 4.01.1 or 21-28-4.01.2.

3 (v) Any person currently adjudged guilty of or sentenced for or detained on an offense
4 involving the illegal possession of a firearm.

5 (b) Findings prior to sentencing to community confinement. In the case of adjudged
6 persons, if the judge intends to impose a sentence of community confinement, he or she shall first
7 make specific findings, based on evidence regarding the nature and circumstances of the offense
8 and the personal history, character, record, and propensities of the defendant which are relevant to
9 the sentencing determination, and these findings shall be placed on the record at the time of
10 sentencing. These findings shall include, but are not limited to:

11 (1) A finding that the person does not demonstrate a pattern of behavior indicating a
12 propensity for violent behavior;

13 (2) A finding that the person meets each of the eligibility criteria set forth in subsection
14 (a);

15 (3) A finding that simple probation is not an appropriate sentence;

16 (4) A finding that the interest of justice requires, for specific reasons, a sentence of non-
17 institutional confinement; and

18 (5) A finding that the person will not pose a risk to public safety if placed in community
19 confinement.

20 The facts supporting these findings shall be placed on the record, and shall be subject to
21 review on appeal.

22 (c) Community confinement.

23 (1) There shall be established within the department of corrections, a community
24 confinement program to serve that number of adjudged persons, sentenced persons and detainees,
25 that the director of the department of corrections ("director") shall determine on or before July 1
26 of each year. Immediately upon that determination, the director shall notify the presiding justice
27 of the superior court of the number of adjudged persons, sentenced persons, and detainees that
28 can be accommodated in the community confinement program for the succeeding twelve (12)
29 months. One-half (1/2) of all persons sentenced to community confinement shall be adjudged
30 persons, and the balance shall be detainees and sentenced persons. The director shall provide to
31 the presiding justice of the superior court and the family court on the first day of each month a
32 report to set forth the number of adjudged persons, sentenced persons and detainees participating
33 in the community confinement program as of each reporting date. Notwithstanding any other
34 provision of this section, if on April 1 of any fiscal year less than one-half (1/2) of all persons

1 sentenced to community confinement shall be adjudged persons, then those available positions in
2 the community confinement program may be filled by sentenced persons or detainees in
3 accordance with the procedures set forth in subdivision (c)(2) of this section.

4 (2) In the case of inmates other than those classified to community confinement under
5 subsection (h), the director may make written application ("application") to the sentencing judge
6 for an order ("order") directing that a sentenced person or detainee be confined within an eligible
7 residence for a period of time, which in the case of a sentenced person, shall not exceed the term
8 of imprisonment. This application and order shall contain a recommendation for a program of
9 supervision and shall contain the findings set forth in subsections (b)(1), (b)(2), (b)(3), (b)(4), and
10 (b)(5) and facts supporting these findings. The application and order may contain a
11 recommendation for the use of electronic surveillance or monitoring devices. The hearing on this
12 application shall be held within ten (10) business days following the filing of this application. If
13 the sentencing judge is unavailable to hear and consider the application the presiding justice of
14 the superior court shall designate another judge to do so.

15 (3) In lieu of any sentence, which may be otherwise imposed upon any person subject to
16 this section, the sentencing judge may cause an adjudged person to be confined within an eligible
17 residence for a period of time not to exceed the term of imprisonment otherwise authorized by the
18 statute the adjudged person has been adjudged guilty of violating.

19 (4) With authorization by the sentencing judge, or, in the case of sentenced persons
20 classified to community confinement under subsection (h) by the director of corrections, or in
21 accordance with the order, persons confined under the provisions of this chapter may be
22 permitted to exit the eligible residence in order to travel directly to and from their place of
23 employment or education or training and may be confined in other terms or conditions consistent
24 with the basic needs of that person that justice may demand, including the right to exit the eligible
25 residence to which that person is confined for certain enumerated purposes such as religious
26 observation, medical and dental treatment, participation in an education or vocational training
27 program, and counseling, all as set forth in the order.

28 (d) Administration. (1) Community confinement. The supervision of persons confined
29 under the provisions of this chapter shall be conducted by the director, or his or her designee.

30 (2) Intense surveillance. The application and order shall prescribe a program of intense
31 surveillance and supervision by the department of corrections. Persons confined under the
32 provisions of this section shall be subject to searches of their persons or of their property when
33 deemed necessary by the director, or his or her designee, in order to ensure the safety of the
34 community, supervisory personnel, the safety and welfare of that person and/or to ensure

1 compliance with the terms of that person's program of community confinement; provided,
2 however, that no surveillance, monitoring or search shall be done at manifestly unreasonable
3 times or places nor in a manner or by means that would be manifestly unreasonable under the
4 circumstances then present.

5 (3) The use of any electronic surveillance or monitoring device which is affixed to the
6 body of the person subject to supervision is expressly prohibited unless set forth in the application
7 and order or, in the case of sentenced persons classified to community confinement under
8 subsection (h), otherwise authorized by the director of corrections.

9 (4) Regulatory authority. The director shall have full power and authority to enforce any
10 of the provisions of this section by regulation, subject to the provisions of the Administrative
11 Procedures Act, chapter 35 of title 42. Notwithstanding any provision to the contrary, the
12 department of corrections may contract with private agencies to carry out the provisions of this
13 section. The civil liability of those agencies and their employees, acting within the scope of their
14 employment, and carrying out the provision of this section, shall be limited in the same manner
15 and dollar amount as if they were agencies or employees of the state.

16 (e) Violations. Any person confined pursuant to the provisions of this section, who is
17 found to be a violator of any of the terms and conditions imposed upon him or her according to
18 the order, or in the case of sentenced persons classified to community confinement under
19 subsection (h), otherwise authorized by the director of corrections, this section, or any rules,
20 regulations, or restrictions issued pursuant hereto ~~shall be ineligible for parole, and~~ shall serve the
21 balance of his or her sentence in a classification deemed appropriate by the director. If that
22 conduct constitutes a violation of § 11-25-2, the person, upon conviction, shall be subject to an
23 additional term of imprisonment of not less than one year and not more than twenty (20) years.
24 However, it shall be a defense to any alleged violation that the person was at the time of the
25 violation acting out of a necessary response to an emergency situation. An "emergency situation"
26 shall be construed to mean the avoidance by the defendant of death or of substantial personal
27 injury, as defined above, to him or herself or to others.

28 (f) Costs. Each person confined according to this section shall reimburse the state for the
29 costs or a reasonable portion thereof incurred by the state relating to the community confinement
30 of those persons. Costs shall be initially imposed by the sentencing judge or in the order and shall
31 be assessed by the director prior to the expiration of that person's sentence. Once assessed, those
32 costs shall become a lawful debt due and owing to the state by that person. Monies received under
33 this section shall be deposited as general funds.

34 (g) Severability. Every word, phrase, clause, section, subsection, and any of the

1 provisions of this section are hereby declared to be severable from the whole, and a declaration of
2 unenforceability or unconstitutionality of any portion of this section, by a judicial court of
3 competent jurisdiction, shall not affect the portions remaining.

4 (h) Sentenced persons approaching release. Notwithstanding the provisions set forth
5 within this section, any sentenced person committed under the direct care, custody, and control of
6 the adult correctional institutions, who is within six (6) months of the projected good time release
7 date, provided that the person shall have completed at least one-half (1/2) of the full term of
8 incarceration, or any person who is sentenced to a term of six (6) months or less of incarceration,
9 provided that the person shall have completed at least three-fourths (3/4) of the term of
10 incarceration, may in the discretion of the director of corrections be classified to community
11 confinement. This provision shall not apply to any person whose current sentence was imposed
12 upon conviction of murder, first degree sexual assault or first degree child molestation.

13 (i) Notification to police departments. The director, or his or her designee, shall notify the
14 appropriate police department when a sentenced, adjudged or detained person has been placed
15 into community confinement within that department's jurisdiction. That notice will include the
16 nature of the offense and the express terms and conditions of that person's confinement. That
17 notice shall also be given to the appropriate police department when a person in community
18 confinement within that department's jurisdiction is placed in escape status.

19 (j) No incarceration credit for persons awaiting trial. No detainee shall be given
20 incarceration credit by the director for time spent in community confinement while awaiting trial.

21 (k) No confinement in college or university housing facilities. Notwithstanding any
22 provision of the general laws to the contrary, no person eligible for community confinement shall
23 be placed in any college or university housing facility, including, but not limited to, dormitories,
24 fraternities or sororities. College or university housing facilities shall not be considered an
25 "eligible residence" for "community confinement."

26 (l) A sentencing judge shall have authority to waive overnight stay or incarceration at the
27 adult correctional institution after the sentencing of community confinement. Such a waiver shall
28 be binding upon the adult correctional institution and the staff thereof, including, but not limited
29 to the community confinement program.

30 **42-56-38. Assessment of costs.**

31 (a) Each sentenced offender committed to the care, custody or control of the department
32 of corrections shall reimburse the state for the cost or the reasonable portion of the cost incurred
33 by the state relating to that commitment; provided, however, that a person committed, awaiting
34 trial and not convicted, shall not be liable for the reimbursement. Items of cost shall include

1 physical services and commodities such as food, medical, clothing and specialized housing, as
2 well as social services such as specialized supervision and counseling. Costs shall be assessed by
3 the director of corrections, or his or her designee, based upon each person's ability to pay,
4 following a public hearing of proposed fee schedules. Each offender's family income and number
5 of dependents shall be among the factors taken into consideration when determining ability to
6 pay. Moneys received under this section shall be deposited as general revenues. The director shall
7 promulgate rules and regulations necessary to carry out the provisions of this section. The rules
8 and regulations shall provide that the financial situation of persons, financially dependent on the
9 person, be considered prior to the determination of the amount of reimbursement. This section
10 shall not be effective until the date the rules and regulations are filed with the office of the
11 secretary of state.

12 (b) Notwithstanding the provision of subsection (a), or any rule or regulation
13 promulgated by the director, any sentenced offender who is ordered or directed to the work
14 release program, shall pay no less than thirty percent (30%) of his or her ~~gross~~ net salary for room
15 and board.

16 SECTION 4. Chapter 22-12 of the General Laws entitled "Fiscal Notes" is hereby
17 amended by adding thereto the following section:

18 **22-12-6. Correctional impact statements.**

19 All bills having an effect on the revenues, expenditures, fiscal liability, bed space, staff,
20 supervision caseloads, or programs of the department of corrections, excepting appropriation
21 measures carrying specified dollar amounts, shall be accompanied by a correctional impact
22 statement that sets forth the estimated dollar effect thereof taking into consideration additional
23 supervisory and correctional staff, bed space, and programs required if enacted. The correctional
24 impact statement shall be attached to the end of each act, bill or resolution prior to consideration
25 by the legislative body in which the act, bill or resolution originated. The correctional impact
26 statement shall specify the effect in dollar amounts and additional supervisory and correctional
27 staff, bed space, and additional programs for the current fiscal year and estimates for the next two
28 (2) succeeding fiscal years, as well as the fifth and tenth succeeding fiscal years. For legislation
29 where the major fiscal impact is not expected until after the tenth succeeding year, the
30 correctional impact statement shall include additional estimated information for the time period
31 when the major fiscal impact is expected.

32 SECTION 5. Chapter 42-56 of the General Laws entitled "Corrections Department" is
33 hereby amended by adding thereto the following section:

34 **42-56-5.1. Justice reinvestment.**

1 (a) The department shall attempt to monitor the implementation of justice reinvestment
2 policies for the period from 2017 to 2022, including:

3 (1) Adoption and use of screening and assessment tools to inform judicial and executive
4 branch decisions regarding arraignment and bail, pretrial conditions and supervision, probation
5 and parole supervision, correctional programs, and parole release;

6 (2) Use of court rules designed to accelerate the disposition and improve the procedural
7 fairness of pretrial decisions, including violations of bail, filing, deferred sentence, and probation;

8 (3) Use of judicial sentencing benchmarks designed to:

9 (i) Guide purposeful, limited probation and suspended sentence terms; and

10 (ii) Achieve proportionate sanctions for violations;

11 (4) Use of a judicial procedure designed to provide an opportunity for long-term
12 probationers to terminate their probation;

13 (5) Progress by the department of corrections, division of rehabilitative services, in
14 achieving the initiatives required by §42-56-7;

15 (6) The feasibility of implementing additional law enforcement training in responding to
16 people with behavioral health and substance abuse needs, and of providing for one or more
17 suitable locations for such people to be referred for treatment; and

18 (7) Barriers to reentry and the availability and effectiveness of programs designed to
19 increase employability and employment of people in the criminal justice system.

20 (b) The department shall attempt to report on data analyzing key decision points with
21 information broken out by offense, risk, and demographic data including race/ethnicity, whenever
22 available. The report must provide, or report on efforts to provide, relevant measures including
23 the following:

24 (1) The number of people for whom a pre-arraignment report is conducted under §12-13-
25 24.1, and the number who are affected by each subdivision of subsection (a) of this section;

26 (2) The number of people who are eligible for pre-trial diversion opportunities and the
27 number of people selected for diversion programs;

28 (3) Length of probation terms and suspended sentences imposed;

29 (4) Sanctions imposed by probation officers and by courts and the violations triggering
30 the sanctions;

31 (5) Pre-trial lengths of stay including length prior to probation violation hearings;

32 (6) Volume and characteristics of people on probation caseloads, including limited and
33 high intensity caseloads;

34 (7) Volume of people who petitioned the court for early termination, the number granted

1 and reasons for denial:

2 (8) Restitution amounts imposed and percentage of collections by increment of time
3 under correctional control;

4 (9) Community-based cognitive behavioral treatment programs funded, including the
5 amount of funding received by each program and the number of high-risk probation clients
6 served;

7 (10) Batterers intervention programs funded to increase or refine treatment, including the
8 amount of funding received by each program and the number of clients served; and

9 (11) Amounts of victim restitution assessed and collected.

10 **42-56-42. Severability.**

11 If any provision of this chapter or its application to any person or circumstances is held
12 invalid, that invalidity shall not affect other provisions or applications of the chapter which can be
13 given effect without the invalid provision or application, and to this end the provisions of this
14 chapter are declared to be severable.

15 SECTION 6. Section 42-56-39 of the General Laws in Chapter 42-56 entitled
16 "Corrections Department" is hereby repealed.

17 **~~42-56-39. A prison impact statement.~~**

18 ~~All acts, bills and resolutions having an effect on the revenues, expenditures, fiscal~~
19 ~~liability, bed space, staff or programs of the department of corrections, which can be calculated~~
20 ~~with reasonable accuracy, by establishing or extending a mandatory minimum term of~~
21 ~~imprisonment which is not subject to suspension, probation or parole, excepting appropriation~~
22 ~~measures carrying specified dollar amounts, shall be accompanied by a brief explanatory~~
23 ~~statement or note which sets forth the estimated dollar effect thereof taking into consideration~~
24 ~~additional bed space, staff and programs required if enacted. This statement or note shall be~~
25 ~~known as "a prison impact statement" and shall be attached to the end of each act, bill or~~
26 ~~resolution prior to consideration of the house in which the act, bill or resolution originated. This~~
27 ~~prison impact statement shall specify the effect in dollar amounts and additional bed space,~~
28 ~~additional staff and additional programs for the current fiscal year and estimates for the next two~~
29 ~~(2) succeeding fiscal years. The appropriate chairperson of the house or senate committee may~~
30 ~~request a prison impact statement. Requests for these prison impact statements shall be in a form~~
31 ~~and substance that is deemed appropriate by the chairperson and shall be forwarded through the~~
32 ~~house or senate fiscal advisor to the state budget officer who shall then be responsible, in~~
33 ~~cooperation with the director of corrections, for its preparation within thirty (30) days of the~~
34 ~~request.~~

1 SECTION 7. This act shall take effect upon passage.

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LC000233
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - PAROLE, MEDICAL
PAROLE, COMMUNITY CONFINEMENT, AND CORRECTIONAL IMPACTS

1 This act would amend certain provisions of the general laws pertaining to parole, medical
2 parole, and community confinement, and would replace prison impact statements with
3 correctional impact statements.

4 This act would take effect upon passage.

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