

2018 -- S 2141

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL HEARINGS

Introduced By: Senators Archambault, Conley, McCaffrey, and Lombardi

Date Introduced: January 23, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 12-13 of the General Laws entitled "Bail and Recognizance" is
2 hereby amended by adding thereto the following section:

3 **12-13-26. Time limits for bail hearings.**

4 (a) Whenever any person has been charged with an offense punishable by imprisonment
5 for life, of an offense involving the use or threat of use of a dangerous weapon by one already
6 convicted of such an offense or already convicted of an offense punishable by imprisonment for
7 life, or an offense involving the unlawful sale, distribution, manufacturer, delivery, or possession
8 with intent to manufacture, sell, distribute or deliver any controlled substance or an offense of
9 possession of a controlled substance punishable by imprisonment for ten (10) years or more, and
10 the state objects to bail, then the person shall be entitled to an evidentiary hearing to determine if
11 the person may be admitted to bail or continue to be held without bail.

12 (b) The bail hearing shall occur no later than four (4) calendar days after the person's
13 initial appearance before the court on the charge.

14 (c) In the event the bail hearing does not occur within four (4) calendar days, the person
15 shall be released upon their own recognizance or with sufficient surety or sureties as determined
16 by the court.

17 (d) The time limit for the hearing may be waived by the person so charged, after they
18 have been informed by the court of their rights pursuant to this section.

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1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would entitle criminal defendants charged with enumerated serious criminal
2 offenses to a bail hearing within four (4) calendar days of their initial court appearance. If a
3 timely hearing is not held then the defendant would be released on personal recognizance or with
4 sufficient surety.

5 This act would take effect upon passage.

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