

2020 -- H 7093

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LC003002  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Representatives Knight, Williams, Ranglin-Vassell, Alzate, and Cassar

Date Introduced: January 10, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 12-13-5.1 of the General Laws in Chapter 12-13 entitled "Bail and  
2 Recognizance" is hereby repealed.

3           **12-13-5.1. Presumption of danger to the community.**

4           ~~Whenever a person is charged with, or indicted or informed against, for an offense~~  
5 ~~involving the unlawful sale, distribution, manufacture, delivery, or possession with intent to~~  
6 ~~manufacture, sell, distribute, or deliver any controlled substance, or by possession of any~~  
7 ~~controlled substance punishable by imprisonment for ten (10) years or more, and the state objects~~  
8 ~~to the setting of bail pursuant to the R.I. Const., Art. I, Sec. IX, if the court determines that the~~  
9 ~~proof of guilt is evident or the presumption great, then it shall be presumed that the person is a~~  
10 ~~danger to the safety of the community unless that presumption is rebutted by the defendant.~~

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

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1           This act would repeal § 12-13-5.1 which permits the state to draw an inference that a  
2 person charged with delivery of a controlled substance is a danger to the community.

3           This act would take effect upon passage.

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