

2021 -- S 0312

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LC001036  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL PROCEDURE - PROBATION AND PAROLE SUPPORT

Introduced By: Senators Archambault, McCaffrey, Euer, and Burke

Date Introduced: February 18, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 12-18.1-3 of the General Laws in Chapter 12-18.1 entitled "Probation  
2 and Parole Support Act" is hereby repealed.

3           **12-18.1-3. Court costs.**

4           ~~(a) The court shall assess as court costs, in addition to those otherwise provided by law,~~  
5 ~~against all defendants charged with a felony, misdemeanor, or petty misdemeanor, and who plead~~  
6 ~~nolo contendere or guilty or who are found guilty of the commission of those crimes, as follows:~~

7           ~~(1) Where the offense charged is a felony and carries a maximum penalty of five (5) or~~  
8 ~~more years imprisonment, three hundred dollars (\$300) or ten percent (10%) of any fine imposed~~  
9 ~~on the defendant by the court, whichever is greater;~~

10           ~~(2) Where the offense charged is a felony and carries a maximum penalty of less than five~~  
11 ~~(5) years imprisonment, one hundred eighty dollars (\$180) or ten percent (10%) of any fine imposed~~  
12 ~~on the defendant by the court, whichever is greater; and~~

13           ~~(3) Where the offense charged is a misdemeanor, sixty dollars (\$60.00) or ten percent~~  
14 ~~(10%) of any fine imposed on the defendant by the court, whichever is greater.~~

15           ~~(b) These costs shall be assessed whether or not the defendant is sentenced to prison and~~  
16 ~~in no case shall they be remitted by the court.~~

17           ~~(c) When there are multiple counts or multiple charges to be disposed of simultaneously,~~  
18 ~~the judge shall have the authority to suspend the obligation of the defendant to pay on all counts or~~  
19 ~~charges above two (2).~~

1           ~~(d) If the court determines that the defendant does not have the ability to pay the costs as~~  
2 ~~set forth in this section, the judge may by specific order mitigate the costs in accordance with the~~  
3 ~~court's determination of the ability of the offender to pay the costs.~~

4           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 - PROBATION AND PAROLE SUPPORT

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- 1           This act would repeal court costs against all defendants who plead nolo contendere, guilty
- 2 or are found guilty of certain crimes.
- 3           This act would take effect upon passage.

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