

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Introduced By: Senators Mack, Acosta, Calkin, Anderson, Miller, Mendes, Quezada,  
Murray, Kallman, and Bell

Date Introduced: March 10, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-19-9 of the General Laws in Chapter 12-19 entitled "Sentence and  
2 Execution" is hereby amended to read as follows:

3 **12-19-9. Violation of terms of probation -- Notice to attorney general -- Revocation or**  
4 **continuation of suspension.**

5 (a) Whenever any person who has been placed on probation pursuant to § 12-9-8 violates  
6 the terms and conditions of his or her probation as fixed by the court, the police or the probation  
7 authority shall inform the attorney general of the violation, and the attorney general shall cause the  
8 defendant to appear before the court. The department of corrections division of rehabilitative  
9 services shall promptly render a report relative to the conduct of the defendant, and the information  
10 contained in any report under § 12-13-24.1. The division of rehabilitative services may recommend  
11 that the time served up to that point is a sufficient response to a violation that is not a new alleged  
12 crime. The court shall release the defendant, pending a probation violation hearing, upon his or her  
13 own recognizance, unless reasonable surety is required to assure the defendant's appearance in  
14 court; provided, however, that if the violation is for a crime of violence pursuant to § 11-47-2(5) or  
15 domestic violence pursuant to § 12-29-2, but not including domestic disorderly conduct under §  
16 11-45-1, then the court may order the defendant held without bail for a period not exceeding ten  
17 (10) days, excluding Saturdays, Sundays, and holidays.

18 (b) The court shall conduct a hearing within thirty (30) days of arrest unless waived by the  
19 defendant to determine whether the defendant has violated the terms and conditions of his or her

1 probation, at which hearing the defendant shall have the opportunity to be present and to respond.  
2 Upon a determination by a fair preponderance of the evidence that the defendant has violated the  
3 terms and conditions of his or her probation, the court, in open court and in the presence of the  
4 defendant, may:

5 (1) Remove the suspension and order the defendant committed on the sentence previously  
6 imposed, or on a lesser sentence;

7 (2) Impose a sentence if one has not been previously imposed;

8 (3) Stay all or a portion of the sentence imposed after removal of the suspension;

9 (4) Continue the suspension of a sentence previously imposed; or

10 (5) Convert a sentence of probation without incarceration to a suspended sentence.

11 (c) The court shall sentence for a violation under subsection (b) of this section in  
12 accordance with judicial sentencing benchmarks.

13 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 CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

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1           This act would require the court to release any defendant presented as a violator of their  
2 probation upon personal recognizance unless reasonable surety is required to assure their  
3 appearance or unless the crime is a crime of violence under § 11-47-2(5) or a crime of domestic  
4 violence under § 12-29-2, except one of disorderly conduct, in which case, the court may hold them  
5 without bail.

6           This act would take effect upon passage.

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