

2022 -- S 2796

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Senators Archambault, Burke, McCaffrey, F Lombardi, and Miller

Date Introduced: March 24, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 12-13-1 of the General Laws in Chapter 12-13 entitled "Bail and  
2    Recognizance" is hereby amended to read as follows:

3           **12-13-1. Right to release pending trial on giving of recognizance.**

4           (a) Every person who is held on any criminal process to answer to any indictment,  
5    information, or complaint against him or her shall be released upon giving recognizance with  
6    sufficient surety or sureties before a justice of the supreme or superior court or before a justice of  
7    the district court, when the complaint is pending in that court or the person is held to answer to that  
8    court, in the sum named in the process, if any has been named in it, and if none is named, then in  
9    any sum that the justice shall deem reasonable, to appear before the court where the indictment,  
10   information, or complaint is pending against him or her, or to which he or she may be bound over  
11   to appear, to answer to the indictment, information, or complaint, and to answer to it whenever  
12   called upon so to do, and abide the final order of the court, and in the meantime keep the peace and  
13   be of good behavior. Any justice may take the recognizance in any place within the state, and the  
14   recognizance shall be returned to the court to which the accused has recognized to appear.

15           (b) At the request of, or in consultation with a mental health professional, a judge may  
16    order an individual held at a locked in-patient mental health facility for the purpose of evaluation  
17    and treatment. The order shall not be extended beyond five (5) days and may only be issued when  
18    the alternative to such order is incarceration in the adult correctional institutions.

19           (c) Any order entered pursuant to subsection (b) of this section shall be reviewed within

1 five (5) days from the time of commitment. At the hearing or review, a report from the mental  
2 health facility shall be presented which shall set forth:

3 (1) An assessment of psychological functioning and all relevant diagnoses;

4 (2) Recommendations for treatment and a plan of discharge;

5 (3) Available community services for implementation of the treatment plan.

6 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 permit a judge, after consultation with a mental health professional, to order  
2 a person charged with any criminal offense, into a locked down mental health facility for a mental  
3 health assessment as an alternative to incarceration. The person's transfer to the mental health  
4 facility shall not exceed five (5) days at which time a review will be held before the court to  
5 determine the person's mental health status.

6           This act would take effect upon passage.

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