2012 -- S 2151

S T A T E   O F   R H O D E   I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N   A C T

RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Introduced By: Senators Crowley, and Goodwin

Date Introduced: January 18, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1   SECTION 1. Section 12-29-5 of the General Laws in Chapter 12-29 entitled "Domestic

2   Violence Prevention Act" is hereby amended to read as follows:

3   **12-29-5. Disposition of domestic violence cases. --** (a) Every person convicted of or

4   placed on probation for a crime involving domestic violence or whose case is filed pursuant to

5   section 12-10-12 where the defendant pleads nolo contendere, in addition to any other sentence

6   imposed or counseling ordered, shall be ordered by the judge to attend, at his or her own expense,

7   a batterer's intervention program appropriate to address his or her violent behavior; provided,

8   however, that the court may permit a servicemember or veteran to complete any court-approved

9   counseling program administered or approved by the Veterans' Administration. This order shall

10 be included in the conditions of probation. Failure of the defendant to comply with the order shall

11 be a basis for violating probation and/or the provisions of section 12-10-12. This provision shall

12 not be suspended or waived by the court.

13   (b) Every person convicted of or placed on probation for a crime involving domestic

14 violence, as enumerated in section 12-29-2 or whose case if filed pursuant to section 12-10-12

15 where the defendant pleads guilty or nolo contendere, in addition to other court costs or

16 assessments imposed, shall be ordered to pay a one hundred twenty-five dollar ($125)

17 assessment. Eighty percent (80%) of the assessment collected pursuant to this section shall be

18 provided to the Rhode Island Coalition Against Domestic Violence for programs to assist victims

19 of domestic violence and twenty percent (20%) of the assessment shall be deposited as general

1   revenue.

2   (c) (1) Every person convicted of an offense punishable as a misdemeanor <u>or petty</u>

3   <u>misdemeanor</u> involving domestic violence as defined in section 12-29-2 shall:

4   (i) For a second violation be imprisoned for a term of not less than ten (10) days and not

5   more than one year.

6   (ii) For a third and subsequent violation be deemed guilty of a felony and be imprisoned

7   for a term of not less than one year and not more than ten (10) years.

8   (2) No jail sentence provided for under this section can be suspended.

9   (3) Nothing in this subsection shall be construed as limiting the discretion of the judges

10   to impose additional sanctions authorized in sentencing.

11   (d) For the purposes of this section, "batterers intervention program" means a program

12   which is certified by the batterers intervention program standards oversight committee according

13   to minimum standards, pursuant to sections 12-29-5.1, 12-29-5.2, and 12-29-5.3.

14   (e) For purposes of this section, "servicemember" means a person who is presently

15   serving in the armed forces of the United States including the Coast Guard, a reserve component

16   thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,

17   including the Coast Guard of the United States, a reserve component thereof, or the National

18   Guard, and has been discharged under other than dishonorable conditions.

19   SECTION 2. This act shall take effect upon passage and shall apply to all offenses that

20   occur after the date of passage.

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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1   This act would include convictions for petty misdemeanors involving domestic violence

2   when determining if the defendant qualifies for enhanced penalties for domestic violence offenses

3   subsequent to a first conviction for a domestic violence offense.

4   This act would take effect upon passage and would apply to all offenses that occur after

5   the date of passage.

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