

2012 -- S 2293

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO CRIMINAL OFFENSES - SEXUAL OFFENDER REGISTRATION AND
COMMUNITY NOTIFICATION

Introduced By: Senators Doyle, Hodgson, Tassoni, Ruggerio, and Algieri

Date Introduced: February 01, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-37.1-16 of the General Laws in Chapter 11-37.1 entitled "Sexual
2 Offender Registration and Community Notification" is hereby amended to read as follows:

3 **11-37.1-16. Application review -- Burden of production and persuasion.** -- (a) In any
4 proceeding under this chapter, the state shall have the burden of going forward, which burden
5 shall be satisfied by the presentation of a prima facie case that justifies the proposed level of and
6 manner of notification.

7 (b) For purposes of this section, "prima facie case" means:

8 (1) A validated risk assessment tool has been used to determine the risk of re-offense;

9 (2) Reasonable means have been used to collect the information used in the validated
10 assessment tool.

11 (c) Upon presentation of a prima facie case, the court shall affirm the determination of the
12 level and nature of the community notification, unless it is persuaded by a preponderance of the
13 evidence that the determination on either the level of notification or the manner in which it is
14 proposed to be accomplished is not in compliance with this chapter or the guidelines adopted
15 pursuant to this chapter.

16 (d) Unless agreed upon through mutual stipulation by the parties, the attorney general
17 shall appeal all determinations of the level and nature of community notification not affirmed
18 under this chapter to the presiding justice of the court who shall review each decision in

1 [accordance with subsection \(c\) of this section.](#) Nothing in this section shall be construed to
2 prohibit the release of information pertaining to a person who has been convicted of any of the
3 violations of any offense listed in section 11-37.1-2, so long as the information has been gathered
4 or obtained through sources other than the registration process provided by this chapter. Provided
5 further, that nothing in this section shall be deemed to authorize the release of any information
6 pertaining to any victim of any offense listed in section 11-37.1-2.

7 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 OFFENSES - SEXUAL OFFENDER REGISTRATION AND
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1 This act would require the attorney general to appeal all level and notification
2 determinations not affirmed under chapter 11-37.1 to the presiding justice unless otherwise
3 required to through mutual stipulation of the parties.

4 This act would take effect upon passage.

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