

2012 -- S 2642 SUBSTITUTE A

LC01938/SUB A/3

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

A N A C T

RELATING TO CRIMINAL OFFENSES - PROCEDURE CORRECTIONS - JAILS AND PRISONS

Introduced By: Senators Nesselbush, P Fogarty, DeVall, DaPonte, and Sheehan

Date Introduced: March 01, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-25-15 of the General Laws in Chapter 11-25 entitled "Jails and
2 Prisons" is hereby amended as follows:

3 ~~11-25-15. Imprisonment for failure to pay fines or costs or give recognizance.--~~

4 ~~Every person who has been or shall be committed or detained in the adult correctional institutions~~
5 ~~for the nonpayment of his or her fine or costs, or both, or for failure to give the recognizance in~~
6 ~~the amount required of him or her to keep the peace, shall be detained in the adult correctional~~
7 ~~institutions after that person has served his or her sentence of imprisonment, if any shall have~~
8 ~~been imposed, one day for each one hundred fifty dollars (\$150) or any fraction of it, of the~~
9 ~~amount of his or her fine or costs, or both, or of the recognizance so required of and not furnished~~
10 ~~by that person. However, the director of corrections may order the release of any person held in~~
11 ~~the adult correctional institutions solely for the nonpayment of his or her costs on any terms that~~
12 ~~he or she shall fix for the payment of the costs by that person and any person so released may be~~
13 ~~caused to be reimprisoned by the director for his or her failure to observe the terms of the release,~~
14 ~~and his or her warrant for imprisonment shall be sufficient authority to all sheriffs, police officers,~~
15 ~~jailers, and the agents of the director to retake and detain the person who shall upon his or her~~
16 ~~return to the correctional institutions serve one day for each dollar or any fraction of it of his or~~
17 ~~her costs then unpaid.~~

18 11-25-15. Imprisonment for failure to appear at a court ordered hearing. – (a) This

1 section shall apply to every person who has been or shall be detained at or in the adult
2 correctional institutions for failure to appear at a court ordered ability to pay hearing. After that
3 person has completed his or her detention for lack of bail for failure to appear at an ability to pay
4 hearing, he or she shall receive a reduction in fines and fees owed to the court, if any, in the
5 amount of fifty dollars (\$50.00) per day served (or any fraction thereof) to be applied against the
6 amount of his/her outstanding fines or costs, or both.

7 (b) Provided further, any person detained at the adult correctional institution for failure to
8 appear who also claims an inability to pay his or her fines or costs shall be entitled to an
9 evidentiary hearing in the district court within forty-eight (48) hours of the detention on the issue
10 of ability to pay. Should the forty-eight (48) hours fall on a weekend or holiday, the hearing shall
11 be scheduled on the next available court date. If, after the hearing, it is determined there is no
12 ability to pay, then that person shall immediately be released from detention. This section shall
13 not deter or preclude any available alternatives to payment of the fines or costs.

14 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 - PROCEDURE CORRECTIONS - JAILS AND
PRISONS

- 1 This act would amend the section of the general laws relative to failing to appear at a
- 2 court ordered ability to pay hearing.
- 3 This act would take effect upon passage.

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