

2016 -- H 7318 SUBSTITUTE A

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LC004008/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION AND
COMMUNITY NOTIFICATION

Introduced By: Representatives Craven, McEntee, Lombardi, DeSimone, and O'Brien

Date Introduced: January 22, 2016

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-37.1-2 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 **11-37.1-2. Definitions.** -- (a) "Aggravated offense" means, and includes, offenses
4 involving sexual penetration of victims of any age through the use of force, or the threat of use of
5 force, or offenses involving sexual penetration of victims who are fourteen (14) years of age or
6 under.

7 (b) "Board", "board of review", or "sex offender board of review" means the sex
8 offender board of review appointed by governor pursuant to § 11-37.1-6.

9 (c) (1) "Conviction" or "convicted" means, and includes, any instance where:

10 (i) A judgment of conviction has been entered against any person for any offense
11 specified in subsection (e) or (k) of this section, regardless of whether an appeal is pending; or

12 (ii) There has been a finding of guilty for any offense specified in subsection (e) or (k) of
13 this section, regardless of whether an appeal is pending; or

14 (iii) There has been a plea of guilty or nolo contendere for any offense specified in
15 subsection (e) or (k) of this section, regardless of whether an appeal is pending; or

16 (iv) There has been an admission of sufficient facts or a finding of delinquency for any
17 offense specified in subsection (e) or (k) of this section, regardless of whether or not an appeal is
18 pending.

1 (2) Provided, in the event that a conviction, as defined in this subsection, has been
2 overturned, reversed, or otherwise vacated, the person who was the subject of the conviction shall
3 no longer be required to register as required by this chapter and any records of a registration shall
4 be destroyed. Provided, further that nothing in this section shall be construed to eliminate a
5 registration requirement of a person who is again convicted of an offense for which registration is
6 required by this chapter.

7 (d) [Deleted by P.L. 2003, ch. 162, § 1 and by P.L. 2003, ch. 170, § 1].

8 (e) "Criminal offense against a victim who is a minor" means, and includes, any of the
9 following offenses or any offense in another jurisdiction that is substantially the equivalent of the
10 following or for which the person is or would be required to register under 42 U.S.C. § 14071 or
11 18 U.S.C. § 4042(c):

12 (1) Kidnapping or false imprisonment of a minor, in violation of §§ 11-26-1.4, 11-26-1
13 or 11-26-2, where the victim of the offense is sixteen (16) years of age or older and under the age
14 of eighteen (18) years;

15 (2) Enticement of a child in violation of § 11-26-1.5 with the intent to violate §§ 11-37-
16 6, 11-37-8, 11-37-8.1, 11-37-8.3;

17 (3) Any violation of §§ 11-37-6, 11-37-8, 11-37-8.1, or 11-37-8.3;

18 (4) Any violation of § 11-1-10, where the underlying offense is a violation of chapter 34
19 of this title and the victim, or person solicited to commit the offense, is under the age of eighteen
20 (18) years;

21 (5) Any violation of § 11-9-1(b) or (c); or

22 (6) Any violation of § 11-9-1.3;

23 (7) Any violation of § 11-9-1.5;

24 (8) Any violation of § 11-37.1-10;

25 (9) Any violation of § 11-37-8.8;

26 (10) Any violation of § 11-64-2, where the victim is under the age of eighteen (18) years;

27 ~~or~~

28 (11) Murder in violation of § 11-23-1, where the murder was committed in the
29 perpetration of, or attempted perpetration of, kidnapping and where the victim of the offense is
30 under eighteen (18) years of age- or

31 (12) Any violation of §11-67-6.

32 (f) "Designated state law enforcement agency" means the attorney general or his or her
33 designee.

34 (g) "Employed, carries on a vocation" means and includes the definition of "employed,

1 carries on a vocation" under 42 U.S.C. § 14071.

2 (h) "Institutions of higher education" means any university, two (2)-or four (4)-year
3 college or community college.

4 (i) "Mental abnormality" means a congenital or acquired condition of a person that
5 affects the emotional or volitional capacity of the person in a manner that predisposes that person
6 to the commission of criminal sexual acts to a degree that makes the person a menace to the
7 health and safety of other persons.

8 (j) "Predator" means a person whose act(s) is (are) or was (were) directed at a stranger,
9 or at a person with whom a relationship has been established or promoted for the primary purpose
10 of victimization.

11 (k) "Sexually violent offense" means, and includes, any violation of §§ 11-37-2, 11-37-4,
12 11-37-6, 11-37-8, 11-37-8.1, 11-37-8.3, [11-67-2 \(where the victim was subject to commercial](#)
13 [sexual activity\), 11-67-3\(a\), 11-67-3\(b\) \(where the victim was subject to commercial sexual](#)
14 [activity\)](#), or 11-5-1, where the specified felony is sexual assault, or § 11-23-1, where the murder
15 was committed in the perpetration of, or attempted perpetration of, rape or any degree of sexual
16 assault or child molestation, or any offense in another jurisdiction that is substantially the
17 equivalent of any offense listed in this subsection or for which the person is or would be required
18 to register under 42 U.S.C. § 14071 or 18 U.S.C. § 4042(c).

19 (l) "Sexually violent predator" means a person who has been convicted of a sexually
20 violent offense and who has a mental abnormality or personality disorder that makes the person
21 likely to engage in predatory sexually violent offenses.

22 (m) "Student" means, and includes, the definition of "student" under 42 U.S.C. § 14071.

23 (n) "Parole board" means the parole board or its designee.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION AND
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1 This act would add §§11-67-2 ("involuntary servitude"), 11-67-3 ("trafficking of persons
2 for forced labor or commercial sexual activity"), and 11-67-6 ("sex trafficking of a minor") to
3 those offenses that are considered registerable offenses under chapter 37.1 of title 11 ("sexual
4 offender registration and community notification").

5 This act would take effect upon passage.

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