ARTICLE 15

RELATING TO HUMAN SERVICES


This chapter shall be known as the “Medical and Geriatric Parole Act”.

(a) Medical parole is made available for humanitarian reasons and to alleviate exorbitant medical expenses associated with inmates whose chronic and incurable illness render their incarceration non-punitive and non-rehabilitative. Notwithstanding other statutory or administrative provisions to the contrary, all prisoners except those serving life without parole shall at any time after they begin serving their sentences be eligible for medical parole consideration, regardless of the crime committed or the sentence imposed.

(b) Geriatric parole is made available for humanitarian reasons and to alleviate exorbitant expenses associated with the cost of aging, for inmates whose advanced age reduces the risk that they pose to the public safety. Notwithstanding other statutory or administrative provisions to the contrary, all prisoners except those serving life without parole shall be eligible for geriatric parole consideration upon serving the lesser of ten (10) years of the sentence or seventy-five percent (75%) of the total sentence, regardless of the crime committed or the sentence imposed.

(a) “Permanently physically incapacitated” means suffering from a physical condition caused by injury, disease, illness, or cognitive insult such as dementia or persistent vegetative state, which, to a reasonable degree of medical certainty, permanently and irreversibly physically incapacitates the individual to the extent that the individual needs help with most of the activities that are necessary for independence such as feeding, toileting, dressing, and bathing and transferring, or no significant physical activity is possible, and the individual is confined to bed or a wheelchair or suffering from an incurable, progressive condition that substantially diminishes the individual’s capacity to function in a correctional setting.

(b) “Cognitively incapacitated” means suffering from a cognitive condition such as dementia which greatly impairs activities that are necessary for independence such as feeding, toileting, dressing, and bathing and renders their incarceration non-punitive and non-rehabilitative.

(c) “Terminally ill” means suffering from a condition caused by injury (except self-inflicted injury), disease, or illness which, to a reasonable degree of medical certainty, is a life-
limiting diagnosis that will lead to profound functional, cognitive and/or physical decline, and
likely will result in death within eighteen (18) months.

(c)(d) “Severely ill” means suffering from a significant and permanent or chronic physical
and/or mental condition that: (1) Requires extensive medical and/or psychiatric treatment with little
to no possibility of recovery; and (2) precludes significant rehabilitation from
further incarceration.

(e) “Aging prisoner” means an individual who is sixty-five (65) years of age or older and
suffers from functional impairment, infirmity, or illness, and has served, in actual custody, the
lesser of ten (10) years of the sentence or seventy-five percent (75%) of the total sentence.


(a) The parole board is authorized to grant medical parole release of a prisoner, except a
prisoner serving life without parole, at any time, who is determined to be terminally ill, severely
ill, or permanently physically or cognitively incapacitated within the meaning of § 13-8.1-3(a)(b)(c)
and (d). Inmates who are severely ill will only be considered for such release when their treatment
causes the state to incur exorbitant expenses as a result of continued and frequent medical treatment
during their incarceration, as determined by the office of financial resources of the department of

corrections.

(b) The parole board is authorized to grant geriatric parole release of a prisoner, except a
prisoner serving life without parole, who is an aging prisoner within the meaning of § 13-8.1-3(e)
or under medical parole as outlined by § 13-8.1-2.

(b) (c) In order to apply for this relief, the prisoner or his or her family member or friend,
with an attending physician's written approval, or an attending physician, on behalf of the prisoner,
shall file an application with the director of the department of corrections. Within seventy-two (72)
hours after the filing of any application, the director shall refer the application to the health service
unit of the department of corrections for a medical report and a medical or geriatric discharge plan
to be completed within ten (10) days. Upon receipt of the medical discharge plan, the director of
the department of corrections shall immediately transfer the medical discharge plan, together with
the application, to the parole board for its consideration and decision.

(d) The report shall contain, at a minimum, the following information:

(1) Diagnosis of the prisoner's medical conditions, including related medical history;
(2) Detailed description of the conditions and treatments;
(3) Prognosis, including life expectancy, likelihood of recovery, likelihood of
improvement, mobility and trajectory and rate of debilitation;
(4) Degree of incapacity or disability, including an assessment of whether the prisoner is
ambulatory, capable of engaging in any substantial physical activity, ability to independently
provide for their daily life activities, and the extent of that activity;

(5) An opinion from the medical director as to whether the person is terminally ill, and if
so, the stage of the illness, or whether the person is permanently physically or cognitively
incapacitated, or severely ill, or an aging prisoner. If the medical director's opinion is that the person
is not terminally ill, permanently, physically or cognitively incapacitated, or severely ill, or an aging
prisoner as defined in § 13-8.1-3, the petition for medical or geriatric parole shall not be forwarded
to the parole board.

(6) In the case of a severely ill inmate, the report shall also contain a determination from
the office of financial resources that the inmate's illness causes the state to incur exorbitant expenses
as a result of continued and frequent medical treatment during incarceration.

(e) When the director of corrections refers a prisoner to the parole board for medical or
geriatric parole, the director shall provide to the parole board a medical discharge plan that is
acceptable to the parole board.

(f) The department of corrections and the parole board shall jointly develop standards
for the medical or geriatric discharge plan that are appropriately adapted to the criminal justice
setting. The discharge plan should ensure at the minimum that:

(1) An appropriate placement for the prisoner has been secured, including, but not limited
to: a hospital, nursing facility, hospice, or family home;

(2) A referral has been made for the prisoner to secure a source for payment of the prisoner's
medical expenses;

(3) A parole officer has been assigned to periodically obtain updates on the prisoner's
medical condition to report back to the board.

(g) If the parole board finds from the credible medical evidence that the prisoner is
terminally ill, permanently physically or cognitively incapacitated, or severely ill, or an aging
prisoner, the board shall grant release to the prisoner but only after the board also considers whether,
in light of the prisoner's medical condition, there is a reasonable probability that the prisoner, if
released, will live and remain at liberty without violating the law, and that the release is compatible
with the welfare of society and will not so depreciate the seriousness of the crime as to undermine
respect for the law. Notwithstanding any other provision of law, medical release may be granted an
any time during the term of a prisoner’s sentence and geriatric release may be granted when the
prisoner has served the lesser of ten (10) years of the sentence or seventy-five percent (75%) of the
total sentence.
There shall be a presumption that the opinion of the physician and/or medical director will be accepted. However, the applicant, the physician, the director, or the parole board may request an independent medical evaluation within seven (7) days after the physician's and/or medical director's report is presented. The evaluation shall be completed and a report, containing the information required by subsection (b) of this section, filed with the director and the parole board, and a copy sent to the applicant within fourteen (14) days from the date of the request.

Within seven (7) days of receiving the application, the medical or geriatric report and the discharge plan, the parole board shall determine whether the application, on its face, demonstrates that relief may be warranted. If the face of the application clearly demonstrates that relief is unwarranted, the board may deny the application without a hearing or further proceedings, and within seven (7) days shall notify the prisoner in writing of its decision to deny the application, setting forth its factual findings and a brief statement of the reasons for denying release without a hearing. Denial of release does not preclude the prisoner from reapplying for medical or geriatric parole after the expiration of sixty (60) days. A reapplication under this section must demonstrate a material change in circumstances.

Upon receipt of the application from the director of the department of corrections the parole board shall, except as provided in subsection (h) of this section, set the case for a hearing within thirty (30) days;

(2) Notice of the hearing shall be sent to the prosecutor and the victim(s), if any, of the offense(s) for which the prisoner is incarcerated, and the prosecutor and the victim(s) shall have the right to be heard at the hearing, or in writing, or both;

(3) At the hearing, the prisoner shall be entitled to be represented by an attorney or by the public defender if qualified or other representative.

Within seven (7) days of the hearing, the parole board shall issue a written decision granting or denying medical or geriatric parole and explaining the reasons for the decision. If the board determines that medical or geriatric parole is warranted, it shall impose conditions of release, that shall include the following:

(1) Periodic medical examinations;

(2) Periodic reporting to a parole officer, and the reporting interval;

(3) Any other terms or conditions that the board deems necessary; and

(4) In the case of a prisoner who is medically or geriatric paroled due to being severely ill, the parole board shall require electronic monitoring as a condition of the medical or geriatric parole, unless the health care plan mandates placement in a medical facility that cannot accommodate the electronic monitoring.
If after release the releasee's condition or circumstances change so that he or she would not then be eligible for medical or geriatric parole, the parole board may order him or her returned to custody to await a hearing to determine whether his or her release should be revoked.

A release may also be revoked for violation of conditions otherwise applicable to parole.

An annual report shall be prepared by the director of corrections for the parole board and the general assembly. The report shall include:

1. The number of inmates who have applied for medical or geriatric parole;
2. The number of inmates who have been granted medical or geriatric parole;
3. The nature of the illness or cognitive condition of the applicants, and the nature of the placement pursuant to the medical discharge plan;
4. The categories of reasons for denial for those who have been denied;
5. The number of releasees on medical or geriatric parole who have been returned to the custody of the department of corrections and the reasons for return.

SECTION 2. Sections 16-21.2-4 and 16-21.2-5 of the General Laws in Chapter 16-21.2 entitled "The Rhode Island Substance Abuse Prevention Act" are hereby amended to read as follows:

16-21.2-4. Substance abuse prevention program.

(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall:

(i) Identify funding distribution criteria;

(ii) Identify criteria for effective substance abuse prevention programs; and

(iii) Provide grants to assist in the planning, establishment, and operation, and reporting of substance abuse prevention programs. Grants under this section shall be made to municipal governments or their designated agents according to the following guidelines:

1. The maximum grant shall be one hundred twenty-five thousand dollars ($125,000); provided, however, in the event that available funding exceeds $1.6 million in a fiscal year, those surplus funds are to be divided proportionately among the cities and towns on a per capita basis but in no event shall the city of Providence exceed a maximum grant cap of $175,000.00.

2. In order to obtain a grant, the municipality or its designated agent must in the first year:

(i) Demonstrate the municipality's need for a comprehensive substance abuse program in the areas of prevention and education.

(ii) Demonstrate that the municipality has established by appropriate legislative or executive action, a substance abuse prevention council which shall assist in assessing the needs and resources of the community, developing a three (3) year plan of action addressing
the identified needs, the operation and implementation of the overall substance abuse prevention
program; coordinating existing services such as law enforcement, prevention, treatment, and
education; consisting of representatives of the municipal government, representatives of the school
system, parents, and human service providers.

(iii) Demonstrate the municipality's ability to develop a plan of implementation of a
comprehensive three (3) year substance abuse prevention program based on the specific needs of
the community to include high risk populations of adolescents, children of substance abusers, and
primary education school aged children.

(iv) Agree to conduct a survey/questionnaire of the student population designed to establish
the extent of the use and abuse of drugs and alcohol in students throughout the local community's
school population.

(v) Demonstrate that at least twenty percent (20%) of the cost of the proposed program will
be contributed either in cash or in-kind by public or private resources within the municipality.

(3) Each municipality that receives a grant must demonstrate in an annual written report
submitted to the department of behavioral healthcare, developmental disabilities and hospitals that
the funding issued is expended on substance abuse prevention programs that reflect the criteria
pursuant to subsection (a) of this section.

(b) The department of behavioral healthcare, developmental disabilities and hospitals shall
adopt rules and regulations necessary and appropriate to carry out the purposes of this section.

16-21.2-5. Funding of substance abuse prevention program.

(a)(1) Money to fund the Rhode Island Substance Abuse Prevention Act shall be
appropriated from state general revenues and shall be raised by assessing an additional penalty of
thirty dollars ($30.00) for all speeding violations as set forth in § 31-43-5.4 § 31-41.1-4.

(2) Money to fund the Rhode Island substance abuse prevention program shall also be
appropriated from state general revenues in an amount estimated to be collected by any state or
municipal court from civil penalties issued pursuant to §§ 21-28-4.01(c)(2)(iii) and 21-28-
4.01(c)(2)(iv) to the extent that the revenues collected are not otherwise specifically appropriated.
The appropriated funds shall be further allocated in accordance with the distribution criteria
identified by the department of behavioral healthcare, developmental disabilities and hospitals set
forth in § 16-21.2-4(a).

(3) The money shall be deposited as general revenues. The department of behavioral
healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums
appropriated for the purpose of administering the substance abuse prevention program.
(b) Grants made under this chapter shall not exceed money available in the substance
abuse prevention program.

SECTION 3. The title of Chapter 16-21.3 of the General Laws entitled "The Rhode Island Student Assistance Junior High/Middle School Act" is hereby amended to read as follows:

**CHAPTER 16-21.3**

The Rhode Island Student Assistance Junior High/Middle School Act

**CHAPTER 16-21.3**

The Rhode Island Student Assistance High School/Junior High/Middle School Act

SECTION 4. Sections 16-21.3-2 and 16-21.3-3 of the General Laws in Chapter 16-21.3 entitled "The Rhode Island Student Assistance Junior High/Middle School Act" are hereby amended to read as follows:

16-21.3-2. Junior high/middle school student assistance program; High school/junior high/middle school student assistance program.

(a) The department of behavioral healthcare, developmental disabilities and hospitals shall be charged with the administration of this chapter and shall:

(1) Identify funding distribution criteria;

(2) Identify criteria for effective substance abuse prevention programs; and

(3) Contract with appropriate substance abuse prevention/intervention agencies to provide student assistance services that incorporate the criteria in high school/junior high/middle schools.

(b) Following the first complete year of operation, school systems receiving high school/junior high/middle school student assistance services will be required to contribute twenty percent (20%) of the costs of student assistance counselors to the service provider agency in order to continue the services.

16-21.3-3. Funding of junior high/middle school student assistance program.

Funding of high school/junior high/middle school student assistance program.

(a)(1) Money to fund this program shall be raised by assessing an additional substance abuse prevention assessment of thirty dollars ($30.00) for all moving motor vehicle violations handled by the traffic tribunal including, but not limited to, those violations set forth in § 31-41.1-4, except for speeding. The money shall be deposited in a restricted purpose receipt account separate from all other accounts within the department of behavioral healthcare, developmental disabilities and hospitals. The restricted purpose receipt account shall be known as the high school/junior high/middle school student assistance fund and the traffic tribunal shall transfer money from the

high school/junior high/middle school student assistance fund to the department of behavioral
healthcare, developmental disabilities and hospitals for the administration of the Rhode Island Student Assistance High School/Junior High/Middle School Act.

(2) Money to fund the Rhode Island substance abuse prevention program shall also be appropriated from state general revenues in an amount estimate to be collected by any state or municipal court from civil penalties issued pursuant to §§ 21-28-4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv) to the extent that the revenues collected are not otherwise specifically appropriated. The appropriated funds shall be allocated in accordance with the distribution criteria identified by the department of behavioral healthcare, developmental disabilities and hospitals set forth in § 16-21.2-4(a).

(b) The department of behavioral healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums collected from the additional penalty for the purpose of administering the program.

SECTION 5. Section 21-28-4.01 of the General Laws in Chapter 21-28 entitled "Uniform Controlled Substances Act" is hereby amended to read as follows:

21-28-4.01. Prohibited acts A -- Penalties.

(a)(1) Except as authorized by this chapter, it shall be unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

(2) Any person who is not a drug-addicted person, as defined in § 21-28-1.02(20), who violates this subsection with respect to a controlled substance classified in schedule I or II, except the substance classified as marijuana, is guilty of a crime and, upon conviction, may be imprisoned to a term up to life or fined not more than five hundred thousand dollars ($500,000) nor less than ten thousand dollars ($10,000), or both.

(3) Where the deliverance as prohibited in this subsection shall be the proximate cause of death to the person to whom the controlled substance is delivered, it shall not be a defense that the person delivering the substance was, at the time of delivery, a drug-addicted person as defined in § 21-28-1.02(20).

(4) Any person, except as provided for in subdivision (2) of this subsection, who violates this subsection with respect to:

(i) A controlled substance, classified in schedule I or II, is guilty of a crime and, upon conviction, may be imprisoned for not more than thirty (30) years, or fined not more than one hundred thousand dollars ($100,000) nor less than three thousand dollars ($3,000), or both;

(ii) A controlled substance, classified in schedule III or IV, is guilty of a crime and, upon conviction, may be imprisoned for not more than twenty (20) years, or fined not more than forty thousand dollars ($40,000), or both; provided, with respect to a controlled substance classified in

Art15
RELATING TO HUMAN SERVICES
(Page 8)
schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
more than twenty thousand dollars ($20,000), or both.

(iii) A controlled substance, classified in schedule V, is guilty of a crime and, upon
conviction, may be imprisoned for not more than one year, or fined not more than ten thousand
dollars ($10,000), or both.

(b)(1) Except as authorized by this chapter, it is unlawful for any person to create,
deliver, or possess with intent to deliver, a counterfeit substance.

(2) Any person who violates this subsection with respect to:

(i) A counterfeit substance, classified in schedule I or II, is guilty of a crime and, upon
conviction, may be imprisoned for not more than thirty (30) years, or fined not more than one
hundred thousand dollars ($100,000), or both;

(ii) A counterfeit substance, classified in schedule III or IV, is guilty of a crime and, upon
conviction, may be imprisoned for not more than twenty (20) years, or fined not more than forty
thousand dollars ($40,000), or both; provided, with respect to a controlled substance classified in
schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
more than twenty thousand dollars ($20,000), or both.

(iii) A counterfeit substance, classified in schedule V, is guilty of a crime and, upon
conviction, may be imprisoned for not more than one year, or fined not more than ten thousand
dollars ($10,000), or both.

(c)(1) It shall be unlawful for any person knowingly or intentionally to possess a
controlled substance, unless the substance was obtained directly from, or pursuant to, a valid
prescription or order of a practitioner while acting in the course of his or her professional practice,
or except as otherwise authorized by this chapter.

(2) Any person who violates this subsection with respect to:

(i) A controlled substance classified in schedules I, II and III, IV, and V, except the
substance classified as marijuana, is guilty of a crime and, upon conviction, may be imprisoned for
not more than three (3) years, or fined not less than five hundred dollars ($500) nor more than five
thousand dollars ($5,000), or both;

(ii) More than one ounce (1 oz.) of a controlled substance classified in schedule I as
marijuana is guilty of a misdemeanor, except for those persons subject to (a)(1), and, upon
conviction, may be imprisoned for not more than one year, or fined not less than two hundred
dollars ($200) nor more than five hundred dollars ($500), or both.

(iii) Notwithstanding any public, special, or general law to the contrary, the possession of
one ounce (1 oz.) or less of marijuana by a person who is eighteen (18) years of age or older, and
who is not exempted from penalties pursuant to chapter 28.6 of this title, shall constitute a civil
offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars
($150) and forfeiture of the marijuana, but not to any other form of criminal or civil punishment or
disqualification. Notwithstanding any public, special, or general law to the contrary, this civil
penalty of one hundred fifty dollars ($150) and forfeiture of the marijuana shall apply if the offense
is the first (1st) or second (2nd) violation within the previous eighteen (18) months.

(iv) Notwithstanding any public, special, or general law to the contrary, possession of one
ounce (1 oz.) or less of marijuana by a person who is seventeen (17) years of age or older and under
the age of eighteen (18) years, and who is not exempted from penalties pursuant to chapter 28.6 of
this title, shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount
of one hundred fifty dollars ($150) and forfeiture of the marijuana; provided the minor offender
completes an approved, drug-awareness program approved by director of the department of
behavioral healthcare, developmental disabilities and hospitals or his or her designee, and
community service as determined by the court. If the person seventeen (17) years of age or older
and under the age of eighteen (18) years fails to complete an approved, drug-awareness program
and community service within one year of the disposition, the penalty shall be a three hundred
dollar ($300) civil fine and forfeiture of the marijuana, except that if no drug-awareness program
or community service is available, the penalty shall be a fine of one hundred fifty dollars ($150)
and forfeiture of the marijuana. The parents or legal guardian of any offender seventeen (17) years
of age or older and under the age of eighteen (18) shall be notified of the offense and the availability
of a drug-awareness and community-service program. The drug-awareness program must be
approved by the court, but shall, at a minimum, provide four (4) hours of instruction or group
discussion and ten (10) hours of community service. Notwithstanding any other public, special, or
general law to the contrary, this civil penalty shall apply if the offense is the first or second violation
within the previous eighteen (18) months.

(v) Notwithstanding any public, special, or general law to the contrary, a person not
exempted from penalties pursuant to chapter 28.6 of this title found in possession of one ounce (1
oz.) or less of marijuana is guilty of a misdemeanor and, upon conviction, may be imprisoned for
not more than thirty (30) days, or fined not less than two hundred dollars ($200) nor more than five
hundred dollars ($500), or both, if that person has been previously adjudicated on a violation for
possession of less than one ounce (1 oz.) of marijuana under (c)(2)(iii) or (c)(2)(iv) two (2) times
in the eighteen (18) months prior to the third (3rd) offense.
(vi) Any unpaid civil fine issued under (c)(2)(iii) or (c)(2)(iv) shall double to three hundred dollars ($300) if not paid within thirty (30) days of the disposition. The civil fine shall double again to six hundred dollars ($600) if it has not been paid within ninety (90) days.

(vii) No person may be arrested for a violation of (c)(2)(iii) or (c)(2)(iv) of this subsection except as provided in this subparagraph. Any person in possession of an identification card, license, or other form of identification issued by the state or any state, city, or town, or any college or university, who fails to produce the same upon request of a police officer who informs the person that he or she has been found in possession of what appears to the officer to be one ounce (1 oz.) or less of marijuana, or any person without any such forms of identification who fails or refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed such person that the officer intends to provide such individual with a citation for possession of one ounce (1 oz.) or less of marijuana, may be arrested.

(viii) No violation of (c)(2)(iii) or (c)(2)(iv) of this subsection shall be considered a violation of parole or probation.

(ix) Any records collected by any state agency, tribunal, or the family court that include personally identifiable information about violations of (c)(2)(iii) or (c)(2)(iv) shall not be open to public inspection in accordance with § 8-8.2-21.

(3) Jurisdiction. Any and all violations of (c)(2)(iii) and (c)(2)(iv) shall be the exclusive jurisdiction of the Rhode Island traffic tribunal. All money associated with the civil fine issued under (c)(2)(iii) or (c)(2)(iv) shall be payable to the Rhode Island traffic tribunal. Fifty percent (50%) of all fines collected by the Rhode Island traffic tribunal from civil penalties issued pursuant to (c)(2)(iii) or (c)(2)(iv) shall be expended on drug awareness and treatment programs for youth deposited as general revenues, with the estimated amount of fines to be collected to be allocated to the department of behavioral healthcare, developmental disabilities and hospitals (BHDDH) and used to fund substance abuse prevention programs and student assistance programs for youth pursuant to chapters 21.2 and 21.3 of title 16, and in accordance with the criteria set forth in §§ 16-21.2-4(a) and 16-21.3-2(a).

(4) Additionally, every person convicted or who pleads nolo contendere under (c)(2)(i) or convicted or who pleads nolo contendere a second or subsequent time under (c)(2)(ii), who is not sentenced to a term of imprisonment to serve for the offense, shall be required to:

   (i) Perform up to one hundred (100) hours of community service;

   (ii) Attend and complete a drug-counseling and education program, as prescribed, by the director of the department of behavioral healthcare, developmental disabilities and hospitals and pay the sum of four hundred dollars ($400) to help defray the costs of this program which shall be
deposited as general revenues, with the estimated amount to be collected to be allocated to the
department of behavioral healthcare, developmental disabilities and hospitals (BHDDH) to fund
substance abuse prevention programs and student assistance programs for youth pursuant to
chapters 21.2 and 21.3 of title 16 and in accordance with the criteria set forth in §§ 16-21.2-4(a)
and 16-21.3-2(a). Failure to attend may result, after hearing by the court, in jail sentence up to one
year;

(iii) The court shall not suspend any part or all of the imposition of the fee required by this
subsection, unless the court finds an inability to pay;

(iv) If the offense involves the use of any automobile to transport the substance or the
substance is found within an automobile, then a person convicted or who pleads nolo contendere
under (c)(2)(i) and (c)(2)(ii) shall be subject to a loss of license for a period of six (6) months for a
first offense and one year for each offense after.

(5) All fees assessed and collected pursuant to (c)(2)(iii) subsection (c)(4)(ii) of this section
shall be deposited as general revenues, with the estimated amount of fees to be collected to be
allocated to the department of behavioral healthcare, developmental disabilities and hospitals
pursuant to chapters 21.2 and 21.3 of title 16 and in accordance with the criteria set forth in §§ 16-
21.2-4(a) and 16-21.3-2(a) and shall be collected from the person convicted or who pleads nolo
contendere before any other fines authorized by this chapter.

(d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to
manufacture or distribute, an imitation controlled substance. Any person who violates this
subsection is guilty of a crime and, upon conviction, shall be subject to the same term of
imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the
controlled substance that the particular imitation controlled substance forming the basis of the
prosecution was designed to resemble and/or represented to be; but in no case shall the
imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars
($20,000).

(e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an
anabolic steroid or human growth hormone for: (1) Enhancing performance in an exercise, sport,
or game, or (2) Hormonal manipulation intended to increase muscle mass, strength, or weight
without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor
and, upon conviction, may be imprisoned for not more than six (6) months or a fine of not more
than one thousand dollars ($1,000), or both.
(f) It is unlawful for any person to knowingly or intentionally possess, manufacture, distribute, or possess with intent to manufacture or distribute, any extract, compound, salt derivative, or mixture of salvia divinorum or datura stramonium or its extracts unless the person is exempt pursuant to the provisions of § 21-28-3.30. Notwithstanding any laws to the contrary, any person who violates this section is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than one year, or fined not more than one thousand dollars ($1,000), or both. The provisions of this section shall not apply to licensed physicians, pharmacists, and accredited hospitals and teaching facilities engaged in the research or study of salvia divinorum or datura stramonium and shall not apply to any person participating in clinical trials involving the use of salvia divinorum or datura stramonium.

SECTION 6. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled "Adjudication of Traffic Offenses" is hereby amended to read as follows:

31-41.1-4. Schedule of violations.

(a) The penalties for violations of the enumerated sections, listed in numerical order, correspond to the fines described. However, those offenses for which punishments may vary according to the severity of the offense, or punishment that require the violator to perform a service, shall be heard and decided by the traffic tribunal or municipal court. The following violations may be handled administratively through the method prescribed in this chapter. This list is not exclusive and jurisdiction may be conferred on the traffic tribunal with regard to other violations.

VIOLATIONS SCHEDULE

<table>
<thead>
<tr>
<th>Section of General Laws</th>
<th>DOT, DEM, or other agency and department violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-8.2-2</td>
<td>$85.00</td>
</tr>
<tr>
<td>24-10-17</td>
<td>Soliciting rides in motor vehicles</td>
</tr>
<tr>
<td>24-10-18</td>
<td>Backing up prohibited</td>
</tr>
<tr>
<td>24-10-20</td>
<td>Park and ride lots</td>
</tr>
<tr>
<td>24-12-37</td>
<td>Nonpayment of toll</td>
</tr>
<tr>
<td>31-3-12</td>
<td>Visibility of plates</td>
</tr>
<tr>
<td>85.00</td>
<td></td>
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1. Display of plates
2. Driving with expired registration
3. Failure to notify division of change of address
4. Notice of change of name
5. Temporary plates – dealer issued
6. Temporary registration – twenty-day (20) bill of sale
7. Rules as to armed forces license
8. Driving on expired license
9. Notice of change of address
10. No motorcycle helmet (operator)
11. Motorcycle handlebar violation
12. No motorcycle helmet (passenger)
13. Inspection of motorcycle required
14. Local motor vehicle ordinance
15. Obedience to devices
16. Eluding traffic light
17. Flashing signals
18. Injury to signs or devices
19. Reasonable and prudent speed
20. Condition requiring reduced speed
21. Below minimum speed
22. Speed limit on bridges and structures
23. Leaving lane of travel
24. Slow traffic to right
25. Operator left of center
26. Overtaking on left
27. Overtaking on right
28. Clearance for overtaking
29. Places where overtaking prohibited
30. No passing zone
31. One way highways
32. Rotary traffic islands
33. Laned roadway violation
34. Following too closely
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<td>Turn signal required</td>
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<td>Time of signaling turn</td>
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<td>Method of giving signals</td>
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<td>Right of way in crosswalks</td>
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<td>100.00 second violation or any subsequent violation</td>
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<td>Sale of new bicycles</td>
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<td>Opening of vehicle doors</td>
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<td>Operation of interior lights</td>
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<td>28</td>
<td>rules and regulations</td>
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<td>Removal of an &quot;out of service vehicle&quot; sticker</td>
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<td>Operation of an &quot;out of service vehicle&quot;</td>
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<td>32</td>
<td>Installation or adjustment of unsafe or prohibited</td>
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<td>33</td>
<td>parts, equipment, or accessories:</td>
<td>(first offense) $250.00 (second offense) $500.00</td>
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<tr>
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Art15
RELATING TO HUMAN SERVICES
(Page -16-)

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<td>Fenders and wheel flaps required</td>
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<td>Rear wheel flaps on buses, trucks, and trailers</td>
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<td>Flares or red flag required over four thousand pounds (4,000 lbs.)</td>
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<td>Approved types of seat belt requirements</td>
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<td>Chocks required (1 pair) – over four thousand pounds (4,000 lbs.)</td>
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<td>Transportation of gasoline – passenger vehicle</td>
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<td>Operating bike or motor vehicle wearing ear phones</td>
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<td>Maximum number and length of coupled vehicles</td>
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<td>Load extending three feet (3’) front, six feet (6’) rear exceeded</td>
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<td>Leaking load</td>
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<td>Connections between coupled vehicles</td>
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<td>Maximum axle</td>
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<td>and every subsequent offense</td>
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<td>31-25-30</td>
<td>Maximum axle on Pawtucket River Bridge and Sakonnet River Bridge</td>
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<td>3,000.00 (first offense) not to exceed 5,000.00 for each and every subsequent offense</td>
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<td>Refusal to take preliminary breath test</td>
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<td>Handicapped parking space violation: First offense</td>
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<td>Violation of inspection laws</td>
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<td>Automated school-zone-speed-enforcement system</td>
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<td>37-15-7</td>
<td>Littering not less than 55.00</td>
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not more than five hundred dollars ($500)

39-12-26 Public carriers violation

SPEEDING fine

(A) One to ten miles per hour (1-10 mph) in excess of posted speed limit

$ 95.00

(B) Eleven miles per hour (11 mph) in excess of posted speed limit with a fine of ten dollars ($10.00) per mile in excess of speed limit shall be assessed.

minimum

(b) In addition to any other penalties provided by law, a judge may impose the following penalties for speeding:

(1) For speeds up to and including ten miles per hour (10 mph) over the posted speed limit on public highways, a fine as provided for in subsection (a) of this section for the first offense; ten dollars ($10.00) per mile for each mile in excess of the speed limit for the second offense if within twelve (12) months of the first offense; and fifteen dollars ($15.00) per mile for each mile in excess of the speed limit for the third and any subsequent offense if within twelve (12) months of the first offense. In addition, the license may be suspended up to thirty (30) days.

(2) For speeds in excess of ten miles per hour (10 mph) over the posted speed limit on public highways, a mandatory fine of ten dollars ($10.00) for each mile over the speed limit for the first offense; fifteen dollars ($15.00) per mile for each mile in excess of the speed limit for the second offense if within twelve (12) months of the first offense; and twenty dollars ($20.00) per mile for each mile in excess of the speed limit for the third and subsequent offense if within twelve (12) months of the first offense. In addition, the license may be suspended up to sixty (60) days.

(c) Except for a technology surcharge assessed in accordance with § 8-15-11 and assessments collected under §16-21.2-5 and §16-21.3-3, any person charged with a violation who pays the fine administratively pursuant to this chapter shall not be subject to any additional costs or assessments, including, but not limited to, the hearing fee established in § 8-18-4.

Art15 RELATING TO HUMAN SERVICES (Page -20-)


SECTION 7. Effective July 1, 2020, section 40-5.2-8 of the General Laws in Chapter 40-5.2 entitled “The Rhode Island Works Program” are hereby amended to read as follows:

40-5.2-8. Definitions.

(a) As used in this chapter, the following terms having the meanings set forth herein, unless the context in which such terms are used clearly indicates to the contrary:

(1) "Applicant" means a person who has filed a written application for assistance for herself/himself and her/his dependent child(ren). An applicant may be a parent or non-parent caretaker relative.

(2) "Assistance" means cash and any other benefits provided pursuant to this chapter.

(3) "Assistance unit" means the assistance filing unit consisting of the group of persons, including the dependent child(ren), living together in a single household who must be included in the application for assistance and in the assistance payment if eligibility is established. An assistance unit may be the same as a family.

(4) "Benefits" shall mean assistance received pursuant to this chapter.

(5) "Community service programs" means structured programs and activities in which cash assistance recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs are designed to improve the employability of recipients not otherwise able to obtain paid employment.

(6) "Department" means the department of human services.

(7) "Dependent child" means an individual, other than an individual with respect to whom foster care maintenance payments are made, who is: (A) under the age of eighteen (18); or (B) under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of vocational or educational training) if before he or she attains age nineteen (19), he or she may reasonably be expected to complete the program of such secondary school (or such training).

(8) "Director" means the director of the department of human services.

(9) "Earned income" means income in cash or the equivalent received by a person through the receipt of wages, salary, commissions, or profit from activities in which the person is self-employed or as an employee and before any deductions for taxes.

(10) "Earned income tax credit" means the credit against federal personal income tax liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section, the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26 U.S.C. § 3507, or any successor section and any refund received as a result of the earned income tax credit, as well as any refundable state earned income tax credit.
(11) "Education directly related to employment” means education, in the case of a
participant who has not received a high school diploma or a certificate of high school equivalency,
related to a specific occupation, job, or job offer.

(12) "Family" means: (A) a pregnant woman from and including the seventh month of her
pregnancy; or (B) a child and the following eligible persons living in the same household as the
child: (C) each biological, adoptive or stepparent of the child, or in the absence of a parent, any
adult relative who is responsible, in fact, for the care of such child; and (D) the child's minor siblings
(whether of the whole or half-blood); provided, however, that the term "family" shall not include

A family may be the same as the assistance unit.

(13) "Gross earnings” means earnings from employment and self-employment further
described in the department of human services rules and regulations.

(14) "Individual employment plan” means a written, individualized plan for employment
developed jointly by the applicant and the department of human services that specifies the steps the
participant shall take toward long-term economic independence developed in accordance with
subsection 40-5.2-10(e). A participant must comply with the terms of the individual employment
plan as a condition of eligibility in accordance with subsection 40-5.2-10(e) of this chapter.

(15) "Job search and job readiness” means the mandatory act of seeking or obtaining
employment by the participant, or the preparation to seek or obtain employment.

In accord with federal requirements, job search activities must be supervised by the department of
labor and training and must be reported to the department of human services in accordance with
TANF work verification requirements.

Except in the context of rehabilitation employment plans, and special services provided by
the department of children, youth and families, job search and job readiness activities are limited
to four (4) consecutive weeks, or for a total of six (6) weeks in a twelve (12) month period, with
limited exceptions as defined by the department. The department of human services in consultation
with the department of labor and training shall extend job search, and job readiness assistance for
up to twelve (12) weeks in a fiscal year if a state has an unemployment rate at least fifty percent
(50%) greater than the United States unemployment rate if the state meets the definition of a "needy
state" under the contingency fund provisions of federal law.

Preparation to seek employment, or job readiness, may include, but may not be limited to,
the participant obtaining life skills training, homelessness services, domestic violence services,
special services for families provided by the department of children youth and families, substance
abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who
are otherwise employable. Such services, treatment or therapy must be determined to be necessary and certified by a qualified medical or mental health professional. Intensive work readiness services may include work-based literacy, numeracy, hands-on training, work experience and case management services. Nothing in this section shall be interpreted to mean that the department of labor and training shall be the sole provider of job readiness activities described herein.

(16) "Job skills training directly related to employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Job skills training directly related to employment must be supervised on an ongoing basis.

(17) "Net income" means the total gross income of the assistance unit less allowable disregards and deductions as described in subsection 40-5.2-10(g).

(18) "Minor parent" means a parent under the age of eighteen (18). A minor parent may be an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of an assistance unit with his or her dependent child(ren) in a case established by the minor parent's parent.

(19) "On-the-job-training" means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job. On-the-job training must be supervised by an employer, work site sponsor, or other designee of the department of human services on an ongoing basis.

(20) "Participant" means a person who has been found eligible for assistance in accordance with this chapter and who must comply with all requirements of this chapter, and has entered into an individual employment plan. A participant may be a parent or non-parent caretaker relative included in the cash assistance payment.

(21) "Recipient" means a person who has been found eligible and receives cash assistance in accordance with this chapter.

(22) "Relative" means a parent, stepparent, grandparent, great-grandparent, great-great-grandparent, aunt, great-aunt, great-great-aunt, uncle, great-uncle, great-great uncle, sister, brother, stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great-niece, great-great-niece, nephew, great-nephew, or great-great-nephew.

(23) "Resident" means a person who maintains residence by his or her continuous physical presence in the state.

(24) "Self-employment income" means the total profit from a business enterprise, farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses
directly related to producing the goods or services and without which the goods or services could not be produced. However, items such as depreciation, personal business and entertainment expenses, and personal transportation are not considered business expenses for the purposes of determining eligibility for cash assistance in accordance with this chapter.

(25) "State" means the State of Rhode Island and Providence Plantations.

(26) "Subsidized employment" means employment in the private or public sectors for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient. It includes work in which all or a portion of the wages paid to the recipient are provided to the employer either as a reimbursement for the extra costs of training or as an incentive to hire the recipient, including, but not limited to, grant diversion.

(27) "Subsidized housing" means housing for a family whose rent is restricted to a percentage of its income.

(28) "Unsubsidized employment" means full or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.

(29) "Vocational educational training" means organized educational programs, not to exceed twelve (12) months with respect to any participant, that are directly related to the preparation of participants for employment in current or emerging occupations. Vocational educational training must be supervised.

(30) "Work experience" means a work activity that provides a participant with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. The purpose of work experience is to improve the employability of those who cannot find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee of the department must supervise this activity.

(31) "Work supplementation" also known as "grant diversion" means the use of all or a portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an employer. Such a supplement shall be limited to a maximum period of twelve (12) months. An employer must agree to continue the employment of the participant as part of the regular work force, beyond the supplement period, if the participant demonstrates satisfactory performance.

(32) "Work activities" mean the specific work requirements which must be defined in the individual employment plan and must be complied with by the participant as a condition of eligibility for the receipt of cash assistance for single and two (2) family households outlined in § 40-5.2-12 of this chapter.

SECTION 8. Effective January 1, 2021, section 40-5.2-10 of the General Laws in Chapter 40-5.2 entitled “The Rhode Island Works Program” are hereby amended to read as follows:
40-5.2-10. Necessary requirements and conditions.

The following requirements and conditions shall be necessary to establish eligibility for the program.

(a) Citizenship, alienage, and residency requirements.

(1) A person shall be a resident of the State of Rhode Island.

(2) Effective October 1, 2008, a person shall be a United States citizen, or shall meet the alienage requirements established in § 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section may hereafter be amended [8 U.S.C. § 1612]; a person who is not a United States citizen and does not meet the alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in accordance with this chapter.

(b) The family/assistance unit must meet any other requirements established by the department of human services by rules and regulations adopted pursuant to the Administrative Procedures Act, as necessary to promote the purpose and goals of this chapter.

(c) Receipt of cash assistance is conditional upon compliance with all program requirements.

(d) All individuals domiciled in this state shall be exempt from the application of subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any individual ineligible for certain state and federal assistance if that individual has been convicted under federal or state law of any offense that is classified as a felony by the law of the jurisdiction and that has as an element the possession, use, or distribution of a controlled substance as defined in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

(e) Individual employment plan as a condition of eligibility.

(1) Following receipt of an application, the department of human services shall assess the financial conditions of the family, including the non-parent caretaker relative who is applying for cash assistance for himself or herself as well as for the minor child(ren), in the context of an eligibility determination. If a parent or non-parent caretaker relative is unemployed or underemployed, the department shall conduct an initial assessment, taking into account: (A) The physical capacity, skills, education, work experience, health, safety, family responsibilities and place of residence of the individual; and (B) The child care and supportive services required by the applicant to avail himself or herself of employment opportunities and/or work readiness programs.

(2) On the basis of this assessment, the department of human services and the department of labor and training, as appropriate, in consultation with the applicant, shall develop an individual
employment plan for the family which requires the individual to participate in the intensive employment services. Intensive employment services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

(3) The director, or his or her designee, may assign a case manager to an applicant/participant, as appropriate.

(4) The department of labor and training and the department of human services in conjunction with the participant shall develop a revised individual employment plan that shall identify employment objectives, taking into consideration factors above, and shall include a strategy for immediate employment and for preparing for, finding, and retaining employment consistent, to the extent practicable, with the individual's career objectives.

(5) The individual employment plan must include the provision for the participant to engage in work requirements as outlined in § 40-5.2-12.

(6)(i) The participant shall attend and participate immediately in intensive assessment and employment services as the first step in the individual employment plan, unless temporarily exempt from this requirement in accordance with this chapter. Intensive assessment and employment services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

(ii) Parents under age twenty (20) without a high school diploma or general equivalency diploma (GED) shall be referred to special teen parent programs which will provide intensive services designed to assist teen parents to complete high school education or GED, and to continue approved work plan activities in accord with Rhode Island works program requirements.

(7) The applicant shall become a participant in accordance with this chapter at the time the individual employment plan is signed and entered into.

(8) Applicants and participants of the Rhode Island works program shall agree to comply with the terms of the individual employment plan, and shall cooperate fully with the steps established in the individual employment plan, including the work requirements.

(9) The department of human services has the authority under the chapter to require attendance by the applicant/participant, either at the department of human services or at the department of labor and training, at appointments deemed necessary for the purpose of having the applicant enter into and become eligible for assistance through the Rhode Island works program. The appointments include, but are not limited to, the initial interview, orientation and assessment; job readiness and job search. Attendance is required as a condition of eligibility for cash assistance in accordance with rules and regulations established by the department.

(10) As a condition of eligibility for assistance pursuant to this chapter, the applicant/participant shall be obligated to keep appointments, attend orientation meetings at the
department of human services and/or the Rhode Island department of labor and training, participate
in any initial assessments or appraisals and comply with all the terms of the individual employment
plan in accordance with department of human services rules and regulations.

(11) A participant, including a parent or non-parent caretaker relative included in the cash
assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause as
defined in this chapter or the department's rules and regulations.

(12) A participant who voluntarily quits or refuses a job without good cause, as defined in
§ 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned
in accordance with rules and regulations promulgated by the department.

(f) Resources.

(1) The family or assistance unit's countable resources shall be less than the allowable
resource limit established by the department in accordance with this chapter.

(2) No family or assistance unit shall be eligible for assistance payments if the combined
value of its available resources (reduced by any obligations or debts with respect to such resources)
exceeds one thousand dollars ($1,000).

(3) For purposes of this subsection, the following shall not be counted as resources of the
family/assistance unit in the determination of eligibility for the works program:

(i) The home owned and occupied by a child, parent, relative or other individual;

(ii) Real property owned by a husband and wife as tenants by the entirety, if the property
is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
the property;

(iii) Real property that the family is making a good faith effort to dispose of, however, any
cash assistance payable to the family for any such period shall be conditioned upon such disposal
of the real property within six (6) months of the date of application and any payments of assistance
for that period shall (at the time of disposal) be considered overpayments to the extent that they
would not have occurred at the beginning of the period for which the payments were made. All
overpayments are debts subject to recovery in accordance with the provisions of the chapter;

(iv) Income producing property other than real estate including, but not limited to,
equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or
services that the department determines are necessary for the family to earn a living;

(v) One vehicle for each adult household member, but not to exceed two (2) vehicles per
household, and in addition, a vehicle used primarily for income producing purposes such as, but
not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle that annually
produces income consistent with its fair market value, even if only used on a seasonal basis; a
vehicle necessary to transport a family member with a disability where the vehicle is specially
equipped to meet the specific needs of the person with a disability or if the vehicle is a special type
of vehicle that makes it possible to transport the person with a disability;

(vi) Household furnishings and appliances, clothing, personal effects, and keepsakes of
limited value;

(vii) Burial plots (one for each child, relative, and other individual in the assistance unit)
and funeral arrangements;

(viii) For the month of receipt and the following month, any refund of federal income taxes
made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating
to earned income tax credit), and any payment made to the family by an employer under § 3507 of
the Internal Revenue Code of 1986, 26 U.S.C. § 3507 (relating to advance payment of such earned
income credit);

(ix) The resources of any family member receiving supplementary security income
assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

(g) Income.

(1) Except as otherwise provided for herein, in determining eligibility for and the amount
of cash assistance to which a family is entitled under this chapter, the income of a family includes
all of the money, goods, and services received or actually available to any member of the family.

(2) In determining the eligibility for and the amount of cash assistance to which a
family/assistance unit is entitled under this chapter, income in any month shall not include the first
one hundred seventy dollars ($170) of gross earnings plus fifty percent (50%) of the gross earnings
of the family in excess of one hundred seventy dollars ($170) earned during the month.

(3) The income of a family shall not include:

(i) The first fifty dollars ($50.00) in child support received in any month from each non-
custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars
($50.00) per month multiplied by the number of months in which the support has been in arrears)
that are paid in any month by a non-custodial parent of a child;

(ii) Earned income of any child;

(iii) Income received by a family member who is receiving supplemental security income
(SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;

(iv) The value of assistance provided by state or federal government or private agencies to
meet nutritional needs, including: value of USDA donated foods; value of supplemental food
assistance received under the Child Nutrition Act of 1966, as amended and the special food service
program for children under Title VII, nutrition program for the elderly, of the Older Americans Act of 1965 as amended, and the value of food stamps;

(v) Value of certain assistance provided to undergraduate students, including any grant or loan for an undergraduate student for educational purposes made or insured under any loan program administered by the U.S. Commissioner of Education (or the Rhode Island council on postsecondary education or the Rhode Island division of higher education assistance);

(vi) Foster care payments;

(vii) Home energy assistance funded by state or federal government or by a nonprofit organization;

(viii) Payments for supportive services or reimbursement of out-of-pocket expenses made to foster grandparents, senior health aides or senior companions and to persons serving in SCORE and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 5000 et seq.;

(ix) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules and regulations;

(x) Certain payments to native Americans; payments distributed per capita to, or held in trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134, 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17, 1975;

(xi) Refund from the federal and state earned income tax credit;

(xii) The value of any state, local, or federal government rent or housing subsidy, provided that this exclusion shall not limit the reduction in benefits provided for in the payment standard section of this chapter.

(xiii) The earned income of any adult family member who gains employment, in compliance with their employment plan, while an active RI Works household member. Such earned income is excluded for the first six (6) months of earned income from employment, until the household reaches its forty-eight (48) month time limit, or until household’s total gross income exceeds 185% of the Federal Poverty Level (FPL) whichever is first.

(4) The receipt of a lump sum of income shall affect participants for cash assistance in accordance with rules and regulations promulgated by the department.

(h) Time limit on the receipt of cash assistance.

(1) On or after January 1, 2020, no cash assistance shall be provided, pursuant to this chapter, to a family or assistance unit that includes an adult member who has received cash
assistance for a total of forty-eight (48) months (whether or not consecutive), to include any time
receiving any type of cash assistance in any other state or territory of the United States of America
as defined herein. Provided further, in no circumstances other than provided for in subsection (h)(3)
with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to
a family or assistance unit which includes an adult member who has received cash assistance for a
total of a lifetime limit of forty-eight (48) months.

(2) Cash benefits received by a minor dependent child shall not be counted toward their
lifetime time limit for receiving benefits under this chapter should that minor child apply for cash
benefits as an adult.

(3) Certain minor children not subject to time limit. This section regarding the lifetime time
limit for the receipt of cash assistance, shall not apply only in the instances of a minor child(ren)
living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult
non-parent caretaker relative who is not in the case assistance payment.

(4) Receipt of family cash assistance in any other state or territory of the United States of
America shall be determined by the department of human services and shall include family cash
assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds
[Title IV-A of the Federal Social Security Act 42 U.S.C. § 601 et seq.] and/or family cash assistance
provided under a program similar to the Rhode Island families work and opportunity program or
the federal TANF program.

(5)(i) The department of human services shall mail a notice to each assistance unit when
the assistance unit has six (6) months of cash assistance remaining and each month thereafter until
the time limit has expired. The notice must be developed by the department of human services and
must contain information about the lifetime time limit, the number of months the participant has
remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus,
and any other information pertinent to a family or an assistance unit nearing the forty-eight-month
(48) lifetime time limit.

(ii) For applicants who have less than six (6) months remaining in the forty-eight-month
(48) lifetime time limit because the family or assistance unit previously received cash assistance in
Rhode Island or in another state, the department shall notify the applicant of the number of months
remaining when the application is approved and begin the process required in subsection (h)(5)(i).

(6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary
Assistance for Needy Families Program (federal TANF described in Title IV A of the Federal
Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family
independence program, more specifically under § 40-5.1-9(2)(c) [repealed], due to sanction
because of failure to comply with the cash assistance program requirements; and that recipient family received forty-eight (48) months of cash benefits in accordance with the family independence program, then that recipient family is not able to receive further cash assistance for his/her family, under this chapter, except under hardship exceptions.

(7) The months of state or federally funded cash assistance received by a recipient family since May 1, 1997, under Rhode Island's Temporary Assistance for Needy Families Program (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family independence program, shall be countable toward the time limited cash assistance described in this chapter.

(i) Time limit on the receipt of cash assistance.

(1) No cash assistance shall be provided, pursuant to this chapter, to a family assistance unit in which an adult member has received cash assistance for a total of sixty (60) months (whether or not consecutive) to include any time receiving any type of cash assistance in any other state or territory of the United States as defined herein effective August 1, 2008. Provided further, that no cash assistance shall be provided to a family in which an adult member has received assistance for twenty-four (24) consecutive months unless the adult member has a rehabilitation employment plan as provided in § 40-5.2-12(g)(5).

(2) Effective August 1, 2008, no cash assistance shall be provided pursuant to this chapter to a family in which a child has received cash assistance for a total of sixty (60) months (whether or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to subdivision 40-5.2(a) (2) to include any time received any type of cash assistance in any other state or territory of the United States as defined herein.

(j) Hardship exceptions.

(1) The department may extend an assistance unit's or family's cash assistance beyond the time limit, by reason of hardship; provided, however, that the number of families to be exempted by the department with respect to their time limit under this subsection shall not exceed twenty percent (20%) of the average monthly number of families to which assistance is provided for under this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by federal law, any waiver granted under § 40-5.2-35, for domestic violence, shall not be counted in determining the twenty percent (20%) maximum under this section.

(2) Parents who receive extensions to the time limit due to hardship must have and comply with employment plans designed to remove or ameliorate the conditions that warranted the extension.

(k) Parents under eighteen (18) years of age.
(1) A family consisting of a parent who is under the age of eighteen (18), and who has never been married, and who has a child; or a family consisting of a woman under the age of eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if the family resides in the home of an adult parent, legal guardian, or other adult relative. The assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of the individual and child unless otherwise authorized by the department.

(2) This subsection shall not apply if the minor parent or pregnant minor has no parent, legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the department determines that the physical or emotional health or safety of the minor parent, or his or her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same residence as his or her parent, legal guardian, or other adult relative (refusal of a parent, legal guardian or other adult relative to allow the minor parent or his or her child, or a pregnant minor, to live in his or her home shall constitute a presumption that the health or safety would be so jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of any child to a minor parent or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental regulations, for waiving the subsection; and the individual resides in a supervised supportive living arrangement to the extent available.

(3) For purposes of this section, "supervised supportive living arrangement" means an arrangement that requires minor parents to enroll and make satisfactory progress in a program leading to a high school diploma or a general education development certificate, and requires minor parents to participate in the adolescent parenting program designated by the department, to the extent the program is available; and provides rules and regulations that ensure regular adult supervision.

(l) Assignment and cooperation. As a condition of eligibility for cash and medical assistance under this chapter, each adult member, parent, or caretaker relative of the family/assistance unit must:

(1) Assign to the state any rights to support for children within the family from any person that the family member has at the time the assignment is executed or may have while receiving assistance under this chapter;

(2) Consent to and cooperate with the state in establishing the paternity and in establishing and/or enforcing child support and medical support orders for all children in the family or assistance unit in accordance with title 15 of the general laws, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.
(3) Absent good cause, as defined by the department of human services through the rule-making process, for refusing to comply with the requirements of (l)(1) and (l)(2), cash assistance to the family shall be reduced by twenty-five percent (25%) until the adult member of the family who has refused to comply with the requirements of this subsection consents to and cooperates with the state in accordance with the requirements of this subsection.

(4) As a condition of eligibility for cash and medical assistance under this chapter, each adult member, parent, or caretaker relative of the family/assistance unit must consent to and cooperate with the state in identifying and providing information to assist the state in pursuing any third-party who may be liable to pay for care and services under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.

SECTION 9. Effective July 1, 2020, section 40-5.2-20 of the General Laws in Chapter 40-5.2 entitled “The Rhode Island Works Program” are hereby amended to read as follows:


Families or assistance units eligible for child-care assistance.

(a) The department shall provide appropriate child care to every participant who is eligible for cash assistance and who requires child care in order to meet the work requirements in accordance with this chapter.

(b) Low-income child care. The department shall provide child care to all other working families with incomes at or below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, these other families require child care in order to work at paid employment as defined in the department's rules and regulations. Beginning October 1, 2013, the department shall also provide child care to families with incomes below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, these families require child care to participate on a short-term basis, as defined in the department's rules and regulations, in training, apprenticeship, internship, on-the-job training, work experience, work immersion, or other job-readiness/job-attachment program sponsored or funded by the human resource investment council (governor's workforce board) or state agencies that are part of the coordinated program system pursuant to § 42-102-11. Beginning January 1, 2021, the department shall also provide child care to families with incomes below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, these families require child care to enroll or maintain enrollment in a Rhode Island public institution of higher education.

(c) No family/assistance unit shall be eligible for child-care assistance under this chapter if the combined value of its liquid resources exceeds one million dollars ($1,000,000), which corresponds to the amount permitted by the federal government under the state plan and set forth
in the administrative rule-making process by the department. Liquid resources are defined as any interest(s) in property in the form of cash or other financial instruments or accounts that are readily convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit union, or other financial institution savings, checking, and money market accounts; certificates of deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments or accounts. These do not include educational savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse. The department is authorized to promulgate rules and regulations to determine the ownership and source of the funds in the joint account.

(d) As a condition of eligibility for child-care assistance under this chapter, the parent or caretaker relative of the family must consent to, and must cooperate with, the department in establishing paternity, and in establishing and/or enforcing child support and medical support orders for any children in the family receiving appropriate child care under this section in accordance with the applicable sections of title 15 of the state's general laws, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.

(e) For purposes of this section, "appropriate child care" means child care, including infant, toddler, pre-school, nursery school, school-age, that is provided by a person or organization qualified, approved, and authorized to provide the care by the state agency or agencies designated to make the determinations in accordance with the provisions set forth herein.

(f)(1) Families with incomes below one hundred percent (100%) of the applicable federal poverty level guidelines shall be provided with free child care. Families with incomes greater than one hundred percent (100%) and less than one hundred eighty percent (180%) of the applicable federal poverty guideline shall be required to pay for some portion of the child care they receive, according to a sliding-fee scale adopted by the department in the department's rules.

(2) Families who are receiving child-care assistance and who become ineligible for child-care assistance as a result of their incomes exceeding one hundred eighty percent (180%) of the applicable federal poverty guidelines shall continue to be eligible for child-care assistance until their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty guidelines. To be eligible, the families must continue to pay for some portion of the child care they receive, as indicated in a sliding-fee scale adopted in the department's rules and in accordance with all other eligibility standards.
(g) In determining the type of child care to be provided to a family, the department shall take into account the cost of available child-care options; the suitability of the type of care available for the child; and the parent's preference as to the type of child care.

(h) For purposes of this section, "income" for families receiving cash assistance under § 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and unearned income as determined by departmental regulations.

(i) The caseload estimating conference established by chapter 17 of title 35 shall forecast the expenditures for child care in accordance with the provisions of § 35-17-1.

(j) In determining eligibility for child-care assistance for children of members of reserve components called to active duty during a time of conflict, the department shall freeze the family composition and the family income of the reserve component member as it was in the month prior to the month of leaving for active duty. This shall continue until the individual is officially discharged from active duty.

SECTION 10. Effective July 1, 2020, section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled "Child Care – State Subsidies" is hereby amended to read as follows:

40-6.2-1.1. Rates established.

(a) Through June 30, 2015-2021, subject to the payment limitations in subsection (e), the minimum base reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers for care of infant/toddler and preschool age children shall be determined using the following schedule, with infant/toddler reimbursement rates to be set at the 25th percentile of the 2018 weekly market rates and preschool reimbursement rates to be set halfway to the 25th percentile of the 2018 weekly market rates. The maximum infant/toddler and preschool reimbursement rates to be paid by the departments of human services and children, youth and families for licensed family childcare providers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in § 42-12-23.1 and to be based on the 75th percentile of the 2018 weekly market rates. The maximum base reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers for care of infant and preschool aged children and licensed family childcare providers shall be based on the following schedule of the 75th percentile of the 2002-2018 weekly market rates adjusted for the average of the 75th percentile of the 2002 and the 2004 weekly market rates:

<table>
<thead>
<tr>
<th>LICENSED CHILDCARE CENTERS</th>
<th>75th PERCENTILE OF WEEKLY MARKET RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INFANT</td>
<td>$182.00</td>
</tr>
<tr>
<td>Service Type</td>
<td>Tier One</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Infant/Toddler Care</td>
<td>$222.38</td>
</tr>
<tr>
<td>Preschool Age Care</td>
<td>$176.67</td>
</tr>
</tbody>
</table>

Effective July 1, 2015, subject to the payment limitations in subsection (c), the maximum reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers and licensed family childcare providers shall be based on the above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average of the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased by ten dollars ($10.00) per week for infant/toddler care provided by licensed family childcare providers and license-exempt providers and then the rates for all providers for all age groups shall be increased by three percent (3%). For the fiscal year ending June 30, 2018, licensed childcare centers shall be reimbursed a maximum weekly rate of one hundred ninety-three dollars and sixty-four cents ($193.64) for infant/toddler care and one hundred sixty-one dollars and seventy-one cents ($161.71) for preschool-age children.

(b) Effective July 1, 2018, subject to the payment limitations in subsection (c), the maximum infant/toddler and preschool-age reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state’s quality rating system outlined in § 42-12-23.1.

(1) For infant/toddler childcare, tier one shall be reimbursed two and one-half percent (2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above...
the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY 2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly amount, and tier five shall be reimbursed thirty-three percent (33%) above the FY 2018 weekly amount.

(2) For preschool reimbursement rates, tier one shall be reimbursed two and one-half (2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY 2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018 weekly amount, and tier five shall be reimbursed twenty-one percent (21%) above the FY 2018 weekly amount.

(b) The weekly reimbursement rate for licensed childcare centers for care of school age children shall be $146.26.

The minimum base reimbursement rates to be paid by the departments of human services and children, youth, and families for licensed family childcare providers shall be determined through collective bargaining with the maximum infant/toddler and preschool reimbursement rates to be paid by the departments of human services and children, youth and families for licensed family childcare providers and shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in 42-12-23.1.

(c) [Deleted by P.L. 2019, ch. 88, art. 13, § 4].

d) By June 30, 2004, and biennially through June 30, 2014, the department of labor and training The department of human services shall conduct an independent survey or certify an independent survey of the then current weekly market rates for childcare in Rhode Island and shall forward such weekly market rate survey to the department of human services. The next survey shall be conducted by June 30, 2016, and triennially thereafter. The departments of human services and labor and training The department of human services will jointly determine the survey criteria including, but not limited to, rate categories and sub-categories. Surveys shall be conducted by June 30, 2021 and triennially thereafter.

(e) In order to expand the accessibility and availability of quality childcare, the department of human services is authorized to establish by regulation alternative or incentive rates of reimbursement for quality enhancements, innovative or specialized childcare and alternative methodologies of childcare delivery, including non-traditional delivery systems and collaborations.

(f) Effective January 1, 2007, all childcare providers have the option to be paid every two (2) weeks and have the option of automatic direct deposit and/or electronic funds transfer of reimbursement payments.
(g) Effective July 1, 2019, the maximum infant/toddler reimbursement rates to be paid by the departments of human services and children, youth and families for licensed family childcare providers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in § 42-12.23.1. Tier one shall be reimbursed two percent (2%) above the prevailing base rate for step 1 and step 2 providers, three percent (3%) above prevailing base rate for step 3 providers, and four percent (4%) above the prevailing base rate for step 4 providers; tier two shall be reimbursed five percent (5%) above the prevailing base rate; tier three shall be reimbursed eleven percent (11%) above the prevailing base rate; tier four shall be reimbursed fourteen percent (14%) above the prevailing base rate; and tier five shall be reimbursed twenty-three percent (23%) above the prevailing base rate.

SECTION 11. Section 42-56-38 of the General Laws in Chapter 42-56 entitled “Corrections Department” is hereby amended to read as follows:

42-56-38. Assessment of costs.

(a) Each sentenced offender committed to the care, custody or control of the department of corrections shall reimburse the state for the cost or the reasonable portion of the cost incurred by the state relating to that commitment; provided, however, that a person committed, awaiting trial and not convicted, shall not be liable for the reimbursement. Items of cost shall include physical services and commodities such as food, medical, clothing and specialized housing, as well as social services such as specialized supervision and counseling. Costs shall be assessed by the director of corrections, or his or her designee, based upon each person's ability to pay, following a public hearing of proposed fee schedules. Each offender's family income and number of dependents shall be among the factors taken into consideration when determining ability to pay. Moneys received under this section shall be deposited as general revenues. The director shall promulgate rules and regulations necessary to carry out the provisions of this section. The rules and regulations shall provide that the financial situation of persons, financially dependent on the person, be considered prior to the determination of the amount of reimbursement. This section shall not be effective until the date the rules and regulations are filed with the office of the secretary of state.

(b) Notwithstanding the provision of subsection (a), or any rule or regulation promulgated by the director, any sentenced offender who is ordered or directed to the work release program, shall pay no less than thirty percent (30%) of his or her gross net salary for room and board.

SECTION 12. Sections 1-7 and Sections 9-11 of this article shall take effect July 1, 2020. Section 8 of this article shall take effect January 1, 2021.