

2021 -- H 6145

LC002507

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Introduced By: Representatives Felix, Craven, McEntee, Potter, Kislak, Alzate, Shanley,
Batista, Caldwell, and Ajello

Date Introduced: March 17, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 12-19 of the General Laws entitled "Sentence and Execution" is
2 hereby amended by adding thereto the following section:

3 **12-19-8.2. Earned compliance credit.**

4 (a) As used in this section, the following words shall, unless the context clearly requires
5 otherwise, have the following meanings:

6 (1) "Compliance" means the absence of a judicial finding of a violation of court-ordered
7 conditions of post-disposition probation supervision.

8 (2) "Compliance credits" means credits that an eligible offender earns through compliance
9 with court-ordered terms of post-disposition probation supervision; provided, however, that such
10 credits shall operate to reduce the length of post-disposition probation supervision.

11 (3) "Eligible offender" means an offender whose sentence includes incarceration followed
12 by a term of probation supervision upon conviction of one or more criminal offenses who has been
13 released to probation after serving the incarcerated sentence or incarcerated portion of the sentence.

14 (b) An eligible offender shall earn compliance credits as follows:

15 (1) On the first day of each calendar month, an eligible offender shall earn five (5) days of
16 compliance credits if the eligible offender was in compliance for the prior calendar month; and

17 (2) After completing two (2) years of supervision, on the first day of each calendar month,
18 an eligible offender shall earn ten (10) days of compliance credits if the eligible offender was in
19 compliance for the previous calendar month.

1 (c) Compliance credits shall not accrue during any calendar month in which a violation of
2 probation is pending. Once a violation of probation hearing is held, if the court does not find a
3 violation, compliance credits shall be awarded retroactive to the filing of the violation.

4 (d) If the court finds a violation of court-ordered conditions of post-disposition probation
5 supervision, then:

6 (1) The eligible offender may not be awarded compliance credits for the time during which
7 the violation was pending; and

8 (2) The court may also revoke any earned compliance credits. If the court places the eligible
9 offender in a correctional institution upon revocation, any compliance credits previously earned by
10 the eligible offender shall be revoked.

11 (e) The probation service shall calculate an eligible offender's supervision termination date,
12 taking into consideration any earned compliance credits at the end of each calendar quarter. Upon
13 such calculation, the probation service shall inform the eligible offender of the termination date.

14 (f) At sentencing, the court shall notify an eligible offender that compliance with post-
15 disposition supervision conditions shall result in earning compliance credits.

16 (g) This section shall apply to all individuals sentenced to probation including those
17 sentences granted prior to enactment of this section.

18 SECTION 2. Section 13-8-11 of the General Laws in Chapter 13-8 entitled "Parole" is
19 hereby amended to read as follows:

20 **13-8-11. Good conduct, industrial, and meritorious service time included in**
21 **computation.**

22 (a) In computing the one-third (1/3) of any term of sentence for the purpose of §§ 13-8-9 -
23 - 13-8-14, the time a prisoner shall have earned pursuant to §§ 42-56-24 and 42-56-26 shall be
24 considered by the parole board to reduce inmate overcrowding when directed by the criminal justice
25 oversight committee, pursuant to the provisions of § 42-26-13.3(e), or when directed by the
26 governor, pursuant to the provisions of § 42-26-13.3(f).

27 (b) For the satisfactory conduct of a parolee under the supervision of the parole board who
28 is serving a sentence to state prison, the chairperson of the parole board or the chairperson's
29 designee may grant compliance credits of up to a maximum monthly total of fifteen (15) days. Any
30 compliance credits so granted and not rescinded pursuant to § 12-19-8.2(b) shall reduce the period
31 of time that a parolee is subject to the jurisdiction of the parole board under § 13-8-9.

32 (c) At a minimum, the parole board shall grant five (5) days of compliance credits for every
33 month that an individual has served on parole without any documented behavior that could
34 constitute a violation of the terms and conditions of parole.

1 (d) The parole board shall issue regulations governing the rescission of compliance credits
2 for violation of the terms and conditions of parole.

3 (e) The award or rescission of credits pursuant to this section shall not be the subject of
4 judicial review.

5 (f) This section shall not apply to a prisoner who has been sentenced for life pursuant to §
6 13-8-13.

7 (g) This section shall apply to all individuals sentenced to imprisonment and subsequently
8 granted parole including those sentences granted prior to enactment of this section and shall not
9 alter the ability of the parole board to revoke parole.

10 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide for an earned compliance credits system to be used to reduce
2 sentence duration and help reduce prison overcrowding.

3 This act would take effect upon passage.

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