

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES COMPENSATION

Introduced By: Representatives Hull, Biah, Vella-Wilkinson, J. Lombardi, Phillips,
DeSimone, Fogarty, Solomon, Abney, and Sanchez

Date Introduced: February 02, 2024

Referred To: House Finance

(General Treasurer)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-25-28 of the General Laws in Chapter 12-25 entitled "Criminal
2 Injuries Compensation" is hereby amended to read as follows:

3 **12-25-28. Special indemnity account for criminal injuries compensation.**

4 (a) It is provided that the general treasurer establish a violent crimes indemnity account
5 within the general fund for the purpose of paying awards granted pursuant to this chapter. The court
6 shall assess as court costs in addition to those provided by law, against all defendants charged with
7 a felony, misdemeanor, ~~or~~ petty misdemeanor, or traffic violation, whether or not the crime was a
8 crime of violence, and who plead nolo contendere, guilty or who are found guilty of the commission
9 of those crimes as follows:

10 (1) Where the offense charged is a felony and carries a maximum penalty of five (5) or
11 more years imprisonment, one hundred and fifty dollars (\$150) or fifteen percent (15%) of any fine
12 imposed on the defendant by the court, whichever is greater.

13 (2) Where the offense charged is a felony and carries a maximum penalty of less than five
14 (5) years imprisonment, ninety dollars (\$90.00) or fifteen percent (15%) of any fine imposed on
15 the defendant by the court, whichever is greater.

16 (3) Where the offense charged is a misdemeanor, thirty dollars (\$30.00) or fifteen percent
17 (15%) of any fine imposed on the defendant by the court, whichever is greater.

18 (4) Where the offense charged is a civil or criminal traffic violation, one dollar (\$1.00) of
19 any fine imposed on the defendant per charged offense, exclusive of fines imposed for violations

1 relating to parking of vehicles. The clerks of courts for each municipality shall collect any fine
2 levied under this subsection and shall transmit the collected surcharges within thirty (30) days to
3 the crime victims' compensation fund.

4 (b) These costs shall be assessed whether or not the defendant is sentenced to prison and
5 in no case shall they be waived by the court unless the court finds an inability to pay.

6 (c) When there are multiple counts or multiple charges to be disposed of simultaneously,
7 the judge shall have the authority to suspend the obligation of the defendant to pay on all counts or
8 charges above two (2).

9 (d) Up to fifteen percent (15%) of the state funds raised under this section, as well as federal
10 matching funds, shall be available to pay administrative expenses necessary to operate this
11 program. Federal funds for this purpose shall not supplant currently available state funds, as
12 required by federal law.

13 SECTION 2. This act shall take effect one year after passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would fund the state crime victim compensation program through an additional
2 one dollar (\$1.00) fine on traffic violations, exclusive of violations related to the parking of
3 vehicles.

4 This act would take effect one year after passage.

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