

2024 -- H 8156

=====  
LC005624  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

---

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Representatives Noret, Chippendale, Corvese, Shallcross Smith, Cardillo,  
Casey, Costantino, Lima, J. Brien, and Craven

Date Introduced: April 10, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 12-13-1, 12-13-1.1 and 12-13-5.1 of the General Laws in Chapter  
2 12-13 entitled "Bail and Recognizance" are hereby amended to read as follows:

3 **12-13-1. Right to release pending trial on giving of recognizance.**

4 Every person who is held on any criminal process to answer to any indictment, information,  
5 or complaint against him or her, [subject to the provisions of §§ 12-13-1.1 and 12-13-5.1](#), shall be  
6 released upon giving recognizance with sufficient surety or sureties before a justice of the supreme  
7 or superior court or before a justice of the district court, when the complaint is pending in that court  
8 or the person is held to answer to that court, in the sum named in the process, if any has been named  
9 in it, and if none is named, then in any sum that the justice shall deem reasonable, to appear before  
10 the court where the indictment, information, or complaint is pending against him or her, or to which  
11 he or she may be bound over to appear, to answer to the indictment, information, or complaint, and  
12 to answer to it whenever called upon so to do, and abide the final order of the court, and in the  
13 meantime keep the peace and be of good behavior. Any justice may take the recognizance in any  
14 place within the state, and the recognizance shall be returned to the court to which the accused has  
15 recognized to appear.

16 **12-13-1.1. Hearings when state opposes bail — Medical disability of accused.**

17 (a) In all cases where the state opposes the granting of bail in respect to offenses punishable  
18 by imprisonment for life and/or offenses involving the use or threat of use of a dangerous weapon  
19 by one already convicted of the ~~an~~ offense or of an offense punishable by imprisonment for life

1 pursuant to the provisions of R.I. Const., Art. I, Sec. IX, hearings shall be held in the superior court  
2 unless arrangements are made by the parties for a stenographic or electronic recording of  
3 proceedings in the district court.

4 (b) In the event an accused person fails to appear in superior court for arraignment on the  
5 an offense and the accused is under the care of a private physician who has determined that the  
6 accused is medically unable to appear in court for arraignment, the justice of the superior court in  
7 charge of the criminal calendar shall order the immediate examination of the accused by a licensed  
8 physician, who shall file his or her medical report with the court within seven (7) days of his or her  
9 examination of the accused. Should the justice after hearing decide that the accused is medically  
10 unable to appear in superior court for arraignment, he or she shall make whatever arrangements are  
11 necessary to have the accused arraigned at a location other than the superior court.

12 (c) The accused person shall be liable for all expenses incurred by the state as a direct result  
13 of the inability of the accused to appear in court for arraignment and/or the inability to transfer the  
14 accused to the adult correctional institutions or hospital facility owned by the state.

15 **12-13-5.1. ~~Presumption of danger to the community~~ Presumption of danger to the**  
16 **community; Presumption of risk of flight.**

17 Whenever a person is charged with, or indicted or informed against, for an offense [for](#)  
18 [which bail may be denied pursuant to the provisions of R.I. Const., Art. I, Sec. IX or an offense](#)  
19 involving the unlawful sale, distribution, manufacture, delivery, or possession with intent to  
20 manufacture, sell, distribute, or deliver any controlled substance, or by possession of any controlled  
21 substance punishable by imprisonment for ten (10) years or more, and the state objects to the setting  
22 of bail pursuant to the R.I. Const., Art. I, Sec. IX, if the court determines that the proof of guilt is  
23 evident or the presumption great, then it shall be presumed that the person is a danger to the safety  
24 of the community [and a risk of flight from bail and/or prosecution](#) unless that presumption is  
25 rebutted by the defendant.

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

=====  
LC005624  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

\*\*\*

1           This act would provide that any person charged with an offense for which bail may be  
2 denied pursuant to the provisions of R.I. Const., Art. I, Sec. IX or an offense involving the unlawful  
3 sale, distribution, manufacture, delivery of a controlled substance, it shall be presumed, if the court  
4 finds proof of guilt evident or the presumption great, that the person is a danger to the community  
5 and a risk of flight unless that presumption is rebutted by the defendant. The defendant shall be  
6 required to rebut that presumption.

7           This act would take effect upon passage.

=====  
LC005624  
=====