

2021 -- H 5291

LC000045

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL PROCEDURE - BAIL AND RECOGNIZANCE

Introduced By: Representatives Williams, Knight, Batista, Giraldo, and Perez

Date Introduced: January 29, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-13-1.3 of the General Laws in Chapter 12-13 entitled "Bail and  
2 Recognizance" is hereby amended to read as follows:

3 **12-13-1.3. Pretrial release.**

4 (a) Unless otherwise provided, a detainee shall be eligible for pretrial release or reduced  
5 bail if he or she fails to post bail.

6 (b) If the arrested person is charged with no offense other than a misdemeanor, the court  
7 may not impose financial conditions of release on the person unless the person is charged with a  
8 domestic violence offense under chapter 29 of title 12; the person requests such financial  
9 conditions; or the court makes a finding on the record that there is a likely risk that:

10 (1) The arrested person will fail to appear in the court, as required; or

11 (2) The arrested person will obstruct or attempt to obstruct justice, or threaten, injure or  
12 intimidate or attempt to threaten, injure or intimidate a prospective witness or juror. In making a  
13 finding described in this subsection, the court shall consider information it receives pursuant to §  
14 12-13-24.1.

15 ~~(b)~~(c) "Pretrial release" means release of a defendant without bail but upon an order to  
16 abide by the conditions as set by the court. Release on non-monetary conditions shall be applied to  
17 secure the presence of the accused and protect the safety of the community.

18 ~~(c)~~(d) The department of corrections shall collect information concerning the background  
19 and circumstances of the pretrial detainee. The department's investigation shall include the

1 following information and any other factors as shall be appropriate to the case:

2 (1) Marital status.

3 (2) Name and address of dependents.

4 (3) Past and present employment, including place of employment, position held and length  
5 of employment.

6 (4) Whether the defendant is under the care of a licensed physician or uses medication  
7 prescribed by a licensed physician.

8 (5) Any physical or mental condition affecting the defendant's behavior.

9 (6) Education.

10 (7) Prior criminal record, including facts indicating that the defendant is likely to be a  
11 danger to the community if released without restrictions.

12 (8) Prior court appearances and record of appearance or non-appearance.

13 (9) Ties to this community and to other communities.

14 (10) Financial resources.

15 ~~(d)~~(e) If, as a result of this investigation, the department of corrections concludes that the  
16 pretrial detainee is an appropriate candidate to be considered by the court for pretrial release or  
17 reduced bail, the department shall present its findings to the court.

18 ~~(e)~~(f) Upon a determination by the court that a defendant is suitable for release on  
19 recognizance subject to conditions set by the court, the court in its discretion may also impose the  
20 least onerous of the following conditions necessary to assure the defendant's appearance in court:

21 (1) Imposition of condition of release involving field supervision with or without special  
22 conditions. Field supervision shall require notification to defendants released prior to trial of their  
23 court dates.

24 (2) Imposition of condition of release involving placement of defendant on intensive  
25 supervision, with or without special conditions. Intensive supervision shall require contact with the  
26 officials designated by the courts and prompt notification to the court of all apparent violations of  
27 pre-trial release conditions or arrest of persons released to its custody.

28 (3) Imposition of a condition of release involving placement of the defendant on  
29 community confinement pursuant to § 42-56-20.2.

30 ~~(f)~~(g) This section shall not be construed to preclude review by the court of a defendant's  
31 bail status at any time.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO CRIMINAL PROCEDURE - BAIL AND RECOGNIZANCE

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1           This act would amend the conditions of bail and recognizance to permit the release of a  
2 person charged with a misdemeanor without financial conditions.

3           This act would take effect upon passage.

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