

2019 -- H 5748

LC001946

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES-DISORDERLY CONDUCT

Introduced By: Representatives Noret, Jackson, Casimiro, Alzate, and Millea

Date Introduced: February 27, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-11 of the General Laws entitled "Disorderly Conduct" is hereby
2 amended by adding thereto the following sections:

3 **11-11-8. Definitions.**

4 As used in this chapter:

5 (1) "Civil, social, and fraternal association" means any group not organized for profit, but
6 operated exclusively for the benefit of its members, promotion of the common good and the
7 social welfare of the community as a whole.

8 (2) "Educational institution" means any pre-school, elementary school, secondary school,
9 college or university or any property owned or utilized by the institution.

10 (3) "Mass violence" means physical injury that a reasonable person could conclude would
11 lead to permanent physical or emotional injury or death to two (2) or more people.

12 (4) "Religious institution" means any church, chapel, synagogue, temple, meeting house,
13 mosque or other building regularly used and identified as a place for religious worship, or
14 property utilized by the institution.

15 **11-11-9. Threats prohibited.**

16 (a) Any person who, by means of communication to any person or group of persons,
17 threatens to commit an act of mass violence at an educational institution, religious institution, or
18 at any activity sponsored by the institution, as well as any civic, social or fraternal association or
19 any activity sponsored by the association, shall be guilty of a felony.

1 (b) Any person convicted of violating subsection (a) of this section may be punished by a
2 term of imprisonment of up to five (5) years, ordered to pay restitution, costs and consequential
3 damages resulting from the disruption of the normal activity that would have occurred on the
4 premises but for the threat.

5 **11-11-10. False reports prohibited.**

6 (a) Any person who, by means of communication to any person or groups of persons,
7 makes a report, knowing or having reason to know the report is false, that an act of mass violence
8 is going to occur at an educational or religious institution, civic, social or fraternal association or
9 at any activity sponsored by the institution or association, shall be guilty of a felony.

10 (b) Any person convicted of violating subsection (a) of this section may be punished by a
11 term of imprisonment of up to five (5) years, ordered to pay restitution, costs and consequential
12 damages resulting from the disruption of the normal activity that would have occurred on the
13 premises but for the false report.

14 **11-11-11. Bail and pretrial release.**

15 (a) In all cases in which a defendant is charged with communication of a threat or false
16 report as defined in §§ 11-11-8 through 11-11-10, the court shall direct the department of
17 probation to provide a report about the defendant outlining his or her criminal history, community
18 ties, work history, psychological history, if available, and any other relevant information the court
19 may consider in setting conditions of release.

20 (b) Upon a determination that immediate release would pose a danger to the community
21 or injury to any person, including the defendant, the court may order the defendant remain in
22 custody for a reasonable period of time, but in no event longer than forty-eight (48) hours, until
23 reasonable release conditions, that would keep the community safe, are imposed. The court may
24 impose any reasonable conditions including, but not limited to:

- 25 (1) A no trespass order for any educational or religious institution;
26 (2) A mental health assessment; and
27 (3) Substance abuse counseling.

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

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES-DISORDERLY CONDUCT

1 This act would make threats of mass violence and false reports of threats to any
2 educational, religious institution, social, civic or fraternal associations a felony and would allow
3 the court to set reasonable conditions of release of the defendant in order to ensure the safety of
4 the community.

5 This act would take effect upon passage.

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