

2010 -- H 7281

LC00905

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION AND
COMMUNITY NOTIFICATION

Introduced By: Representatives Palumbo, Corvese, Baldelli-Hunt, Brien, and D Caprio

Date Introduced: January 28, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-37.1-12 of the General Laws in Chapter 11-37.1 entitled "Sexual
2 Offender Registration and Community Notification" is hereby amended to read as follows:

3 **11-37.1-12. Rules and regulations for community notification.** -- (a) The purpose of
4 this act is to protect the most vulnerable members of our society and, therefore, in order to further
5 said protection it shall be deemed sufficient probable cause for the police to enforce the court
6 order or parole restrictions of a person subject to the GPS provisions of this act, should said
7 subject be found to have been loitering as too prolonged to be merely traversing the prescribed
8 area; provided, however, that the foregoing language may be a rebuttal presumption of a
9 violation.

10 (b) The parole board shall promulgate guidelines and procedures for notification required
11 pursuant to the provisions of this section.

12 ~~(b)~~(c) The regulations shall provide for three (3) levels of notification depending upon
13 the risk of re-offense level of the sex offender determined by the sex offender board of review as
14 outlined in section 11-37.1-6(b):

15 (1) If risk of re-offense is low, law enforcement agencies and any individuals identified
16 in accordance with the parole board guidelines shall be notified;

17 (2) If risk of re-offense is moderate, organizations in the community likely to encounter
18 the person registered shall be notified in accordance with the parole board's guidelines, in

1 addition to the notice required by subdivision (1) of this subsection;

2 (3) If risk of re-offense is high, the members of the public likely to encounter the person
3 registered shall be notified through means in accordance with the parole board's guidelines
4 designed to reach members of the public likely to encounter the person registered, in addition to
5 the notice required by subdivisions (1) and (2) of this subsection.

6 (4) The sex offender community notification unit is authorized and directed to utilize the
7 Rhode Island state police web site and the Rhode Island Unified Court System website for the
8 public release of identifying information of level two and level three sex offenders who have been
9 convicted, provided that no identifying information of a juvenile shall be listed on the web site.

10 (5) Notwithstanding any other provision of law, the sex offender review board shall have
11 access to all relevant records and information in the possession of any state official or agency
12 having a duty under section 11-37.1-5(a)(1) through (6) relating to juvenile and adult offenders
13 under review by the sex offender review board, including, but not limited to, police reports,
14 prosecutors statements of probable cause, pre-sentence investigations and reports, complete
15 judgments and sentences, current classification referrals, juvenile and adult criminal history
16 records, violation and disciplinary reports, all psychological evaluations and psychiatric
17 evaluations, psychiatric hospital records, sex offender evaluations and treatment reports,
18 substance abuse evaluations and treatment reports to the extent allowed by federal law. Records
19 and information obtained by the sex offender review board under this subsection shall remain
20 confidential, provided that the parole board may disclose the records and information to the board
21 of review, the sentencing court, and/or law enforcement agencies in accordance with the
22 provisions of this chapter.

23 (d) In cases where an offender is released from incarceration while the determination of
24 the risk of reoffense level is pending, or in cases where the risk of reoffense level is under appeal,
25 the sexual offender community notification unit shall notify and direct the department of
26 corrections to place the offender on a single unit, non-proprietary active global positioning system
27 with web based integration technology for monitoring community supervision until such time that
28 the risk level is determined. The offender will be monitored consistent with the provisions of law
29 governing parole as if the person were a parolee, as defined in section 13-8-32.

30 SECTION 2. 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 require convicted sex offenders to be monitored through a global
2 positioning system placed on when released from incarceration if either their risk reoffense level
3 has yet to be determined or is pending, or if the determination of their risk reoffense level is under
4 appeal.

5 This act would take effect upon passage.

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