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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL PROCEDURE -- PRELIMINARY PROCEEDINGS IN DISTRICT
COURT -- POWERS OF JUSTICES OF THE PEACE

Introduced By: Representatives Craven, and Batista

Date Introduced: March 05, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-10-2 of the General Laws in Chapter 12-10 entitled "Preliminary
2 Proceedings in District Courts" is hereby amended to read as follows:

3 **12-10-2. Powers of justices of the peace.**

4 (a)(1) The chief judge of the district court shall, from time to time, appoint, with power to
5 revoke the appointments, from those qualified justices of the peace who shall be members of the
6 bar of the state of Rhode Island within the cities and towns and divisions of the district court, as
7 many justices of the peace as he or she may deem necessary, who shall be authorized to set and
8 take bail in all complaints bailable before a division of the district court, except those offenses
9 punishable by life imprisonment and, in default of bail, to commit to the adult correctional
10 institutions all respondents arrested on those complaints. The chief judge shall authorize the justices
11 of the peace, so appointed by him or her, to issue warrants and complaints returnable to the division
12 of the district court for any offense for which, by law, a judge of the district court may issue a
13 warrant and complaint, and all warrants so issued, and all warrants and complaints upon which bail
14 is taken or commitments are made, shall be immediately returned to the divisions; provided, that
15 the justices of the peace shall not in any case, or for any purpose, have the power to issue search
16 warrants. The justices of the peace may also set and take bail, as provided in this section, and
17 commit and issue warrants (except search warrants), in any division where the defendant is being
18 held by the state police, the metropolitan park police, conservation officers of the department of

1 environmental management, a sheriff or deputy sheriff, the capitol police, the campus security
2 forces of the state colleges and universities, or city or town police forces.

3 (2) Whenever probable cause exists that a defendant is a violator of bail and/or probation
4 in the district court or superior court, upon being presented with a violation report by the attorney
5 general or the attorney general's transmission of a violation report to the arresting agency or place
6 of presentment, and upon making a finding that the defendant is subject to violation of bail and/or
7 probation and that probable cause exists on the new charge being brought, the justice of the peace
8 shall issue his or her writ of mittimus confining the defendant without bail and issue a writ of habeas
9 corpus returnable to the next sitting of the district court and make a finding of probable violation
10 in writing. If the attorney general transmits the violation report to the arresting agency or place of
11 presentment, the law enforcement agency shall ensure that the defendant is presented with the
12 violation report and the justice of the peace shall ensure the violation report is attached to his or her
13 writs and other documentation of a district court violation or a superior court violation. The justice
14 of the peace shall proceed to arraign the defendant on the new charge pursuant to subdivision (1).
15 The justice of the peace shall return his or her writs and other documentation of a district court
16 violation to the clerk of the district court; regarding any superior court violation, the attorney for
17 the state shall notify the clerk of the superior court for the county where the case originated, for
18 which a finding of probable violation was made, of the finding of probable violation and the
19 attorney for the state shall, on the same date, request a judge or magistrate of the superior court to
20 issue a writ of habeas corpus for the purpose of a violation presentation before the superior court
21 returnable to the next sitting of the superior court in the county.

22 (b) In misdemeanor cases, a justice of the peace may accept pleas of not guilty, in which
23 case the justice of the peace may schedule a pre-trial conference date before a judge of the district
24 court.

25 (c) In non-capital felony cases, the justices of the peace may also schedule felony screening
26 dates.

27 (d) The fee for the justices of the peace shall be ~~fifty dollars (\$50.00)~~ one hundred dollars
28 (\$100), paid by each individual who appears before him or her; provided, that when a special
29 session is requested between the hours of 11:00 p.m. and 8:00 a.m., the fee shall be arranged
30 between the defendant and the justice of the peace, but shall not exceed two hundred dollars (\$200).
31 Justices of the peace shall have immunity for any actions taken pursuant to the provisions of this
32 section.

1 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 -- PRELIMINARY PROCEEDINGS IN DISTRICT
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- 1 This act would increase the fee payable to justices of the peace to one hundred dollars \$100.
- 2 This act would take effect upon passage.

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