

2010 -- H 8006

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION

Introduced By: Representative Scott M. Pollard

Date Introduced: April 08, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 12-19-9 and 12-19-14 of the General Laws in Chapter 12-19
2 entitled "Sentence and Execution" are hereby amended to read as follows:

3 **12-19-9. Violation of terms of probation -- Notice to attorney general -- Revocation**
4 **or continuation of suspension.** -- Whenever any person who has been placed on probation
5 pursuant to section 12-9-8 violates the terms and conditions of his or her probation as fixed by the
6 court, the police or the ~~probation authority~~ probation officer/supervisor shall inform the attorney
7 general of the violation, and the attorney general shall cause the defendant to appear before the
8 court. The court may request the ~~division of field services~~ probation officer/supervisor to render a
9 report relative to the conduct of the defendant, and, pending receipt of the report, may order the
10 defendant held without bail for a period not exceeding ten (10) days, excluding Saturdays,
11 Sundays, and holidays. The court shall conduct a hearing to determine whether the defendant has
12 violated the terms and conditions of his or her probation, at which hearing the defendant shall
13 have the opportunity to be present and to respond. Upon a determination that the defendant has
14 violated the terms and conditions of his or her probation the court, in open court and in the
15 presence of the defendant, may remove the suspension and order the defendant committed on the
16 sentence previously imposed, or on a lesser sentence, or impose a sentence if one has not been
17 previously imposed, or may continue the suspension of a sentence previously imposed, as to the
18 court may seem just and proper.

19 **12-19-14. Violation of terms of probation -- Notice to court -- Revocation or**

1 **continuation of suspension.** -- Whenever any person, who has been placed on probation by
2 virtue of the suspension of execution of his or her sentence pursuant to section 12-19-13, violates
3 the terms and conditions of his or her probation as fixed by the court, the police or ~~division of~~
4 ~~field services~~ division of probation and parole shall cause the defendant to appear before the
5 court. The court may require the ~~division of field services~~ division of probation and parole to
6 render a written report relative to the conduct of the defendant, and, pending receipt of the report,
7 may order the defendant held without bail for a period not exceeding ten (10) days excluding
8 Saturdays, Sundays, and holidays. The court shall conduct a hearing to determine whether the
9 defendant has violated the terms and conditions of his or her probation, at which hearing the
10 defendant shall have the opportunity to be present and to respond. Upon a determination that the
11 defendant has violated the terms and conditions of his or her probation the court, in open court
12 and in the presence of the defendant, may revoke the suspension and order the defendant
13 committed on the sentence previously imposed, or on a lesser sentence, or may continue the
14 suspension as to the court may seem just and proper.

15 SECTION 2. Section 14-1-33 of the General Laws in Chapter 14-1 entitled "Proceedings
16 in Family Court" is hereby amended to read as follows:

17 **14-1-33. Supervision of child placed on probation.** -- (a) Whenever the court places a
18 child on probation, the court may do so upon any terms and conditions, not inconsistent with law,
19 that the court may deem best for the welfare of the child, but unless otherwise ordered by the
20 court, a probation ~~counselor~~ officer may make any arrangements for the care of the child that he
21 or she may deem best for its welfare, and may release the child in the care of its parent, guardian,
22 or other lawful custodian, or in the care of any relative of the child. If a child has been placed on
23 probation as provided in this chapter, the probation ~~counselor~~ officer may at any time before the
24 discharge of the child take the child before the court without a warrant, or the court may issue a
25 warrant to bring the child before the family court. When the child is before the court, the court
26 may make any disposition of the case which it might have made before the child was placed on
27 probation, or may continue or extend the period of probation.

28 (b) At the end of the probation period of a child, the probation ~~counselor~~ officer shall
29 make a report to the court, in writing, as to the conduct of the child during that period.

30 SECTION 3. 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 - SENTENCE AND EXECUTION

1 This act would designate probation officers/supervisors as the agents who are charged
2 with the duty to inform the Attorney General's office of probation violations by minors, and
3 would designate the Division of Probation and Parole as the agency that may cause probation
4 violators to appear before the court.

5 This act would take effect upon passage.

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