

2010 -- S 2063

=====  
LC00163  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

-----  
A N A C T

RELATING TO CRIMINAL PROCEDURE -- COSTS

Introduced By: Senators Tassoni, McBurney, and Doyle

Date Introduced: January 13, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 12-20 of the General Laws entitled "Costs" is hereby amended by  
2 adding thereto the following section:

3           **12-20-12. Payment of investigative costs upon conviction.** – (a) In all criminal cases  
4 in any court, whenever a person pleas nolo contendere, guilty, or is found guilty after trial, the  
5 person so admitting or found guilty shall be liable for payment of the documented costs of  
6 investigation and prosecution, including the investigative costs incurred by any law enforcement  
7 agency, by fire departments for arson investigations, and by investigations by any agency of state  
8 government if requested by such agency. These costs shall be included and entered in the  
9 judgment rendered against the person who has entered a plea or been found guilty after trial,  
10 regardless of the type of sentence imposed, and shall be collected and dispensed by the clerk of  
11 the court.

12           (b) All costs required to be paid under this section shall be paid immediately, unless the  
13 court sets forth a different payment period or schedule, however, the end of such period or  
14 schedule shall not be later than:

15           (1) The end of the period of the sentence imposed, unless the defendant is committed to a  
16 term of imprisonment, then not later than five (5) years after the term of imprisonment if the  
17 person does not have a suspension of sentence remaining at the end of the term of imprisonment.  
18 No person who has received a filing as a sentence shall be permitted to expunge the record of the  
19 filing until such time as the costs under this section are satisfied.

1           (2) In no event shall the obligation to pay any unpaid amounts expire if not paid in full  
2 within the time periods set forth in this section.

3           (3) The payment of costs under this section shall be a part of all sentences imposed by a  
4 court.

5           (c) Investigative costs that are recovered shall be returned to the appropriate investigative  
6 agency that incurred the expense. Investigative costs include actual expenses incurred in  
7 conducting the investigation and prosecution of the criminal case; however, costs may also  
8 include the pro-rata salaries of permanent employees and the costs of any materials or equipment  
9 used or expended in the investigation. Any investigative costs recovered on behalf of a state  
10 agency must be remitted to the department of revenue for reimbursement to the investigating  
11 agency.

12           (d) Any dispute as to the proper amount or type of costs shall be resolved by the court by  
13 a preponderance of the evidence. The burden of demonstrating the amount of costs incurred shall  
14 be on the attorney general. The burden of demonstrating the financial resources of the defendant  
15 and the financial needs of the defendant shall be on the defendant. The burden of demonstrating  
16 such other matters as the court deems appropriate to render a decision is upon the party  
17 designated by the court as justice requires.

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

=====  
LC00163  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL PROCEDURE -- COSTS

\*\*\*

1           This act would require any person who enters a plea or is found guilty after trial to pay,  
2 as part of his or her sentence, the investigating agencies' actual costs in investigating and  
3 prosecuting the individual.

4           This act would take effect upon passage.

=====  
LC00163  
=====