

2010 -- S 2217

=====  
LC01322  
=====

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: Senators Felag, Sosnowski, McBurney, Jabour, and DiPalma

Date Introduced: February 09, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-37.1-13 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 **11-37.1-13. Notification procedures for tiers two (2) and three (3).** -- If after review of  
4 the evidence pertaining to a person required to register according to the criteria set forth in section  
5 11-37.1-12, the board is satisfied that risk of re-offense by the person required to register is either  
6 moderate or high, the sex offender community notification unit of the parole board shall notify  
7 the person, in writing, by letter or other documentation:

8 (1) That community notification will be made not less than ten (10) business days from  
9 the date of the letter or other document evidencing an intent to promulgate a community notice in  
10 accordance with section 11-37.1-12(b), together with the level, form and nature that the  
11 notification will take;

12 (2) That unless an application for review of the action is filed within the time specified  
13 by the letter or other documentation, which in any case shall not be less than ten (10) business  
14 days, by the adult offender subject to community notification, with the criminal calendar judge of  
15 the superior court for the county in which the adult offender who is the subject of notification  
16 resides or intends to reside upon release, or by the juvenile offender subject to community  
17 notification over whom the family court exercises jurisdiction, with the clerk of the family court  
18 for the county in which the juvenile offender resides or intends to reside upon release, whose

1 name shall be specified in the letter or other document, requesting a review of the determination  
2 to promulgate a community notification, that notification will take place;

3 ~~(3) That should the person subject to community notification, file an application for~~  
4 ~~review on or before the date specified by the letter or other documentation, that no community~~  
5 ~~notification will take place, unless and until affirmed by the court or, if reversed, until the time~~  
6 ~~that the attorney general or his or her designee provides for a notification in accord with the~~  
7 ~~reasons specified for the reversal by the court;~~

8 (4) (3) That the person has a right to be represented by counsel of their own choosing or  
9 by an attorney appointed by the court, if the court determines that he or she cannot afford counsel;  
10 and

11 (5) (4) That the filing of an application for review may be accomplished, in the absence  
12 of counsel, by delivering a letter objecting to the notification and/or its level, form or nature,  
13 together with a copy of the letter or other documentation describing the proposed community  
14 notification, addressed to the judge described in the communication to the clerk of the superior  
15 court in the county in which the adult offender resides or intends to reside upon release, or in the  
16 case of juvenile offenders over whom the family court exercises jurisdiction, addressed to the  
17 judge described in the communication to the clerk of the family court in the county in which the  
18 juvenile offender resides or intends to reside upon release.

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

=====  
LC01322  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION AND  
COMMUNITY NOTIFICATION

\*\*\*

- 1           This act would prevent any person, subject to community notification, from delaying
- 2 community notification unless and until affirmed by the court.
- 3           This act would take effect upon passage.

=====  
LC01322  
=====