

2010 -- S 2226

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Introduced By: Senators Metts, Perry, Miller, Crowley, and Pichardo

Date Introduced: February 09, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3           **12-19-19. Sentencing on plea of guilty or nolo contendere -- Deferment of sentence. -**

4           - Whenever any prisoner is arraigned before the superior court and pleads guilty or refuses to  
5 contend with the state, he or she may be at any time sentenced by the court; provided, that if at  
6 any time the court formally defers sentencing the defendant, and upon the deferral a written  
7 agreement concerning the deferring of sentence is entered into between the attorney general and  
8 the prisoner and filed with the clerk of the court, the court may only impose sentence within five  
9 (5) years from and after the date of the written agreement, unless during the period, the prisoner  
10 shall be sentenced to imprisonment in this or in any other state, in which event the court may  
11 impose sentence at any time within five (5) years from and after the termination of the sentence  
12 of imprisonment, or unless at the time the sentence is formally deferred the prisoner is serving a  
13 term of imprisonment under sentence previously imposed in another case, in which event the  
14 court may impose sentence at any time within five (5) years from and after the date on which the  
15 prisoner is released from prison either on parole or at the termination of the sentence of  
16 imprisonment, whichever first occurs. If no action is taken on the deferment for a period of five  
17 (5) years following the agreement, or if a case is dismissed pursuant to rule 48(a), or a verdict of  
18 not guilty results after trial by judge or jury, the case shall be automatically quashed and  
19 destroyed. All records relating to the case shall be expunged pursuant to the provisions of chapter

1 1.3 of this title; provided, further, that if any record of the case has been entered into a docket or  
2 alphabetical index, whether kept in writing or in an electronic information storage system or other  
3 data compilation system, all references to the identity of the person charged by the complaint  
4 shall be removed from the docket or index. No criminal record shall result; provided, however, in  
5 any civil action for a tort, a plea of guilty or a finding of guilty may be admissible  
6 notwithstanding the fact that the complaint has been deferred.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

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1           This act would require the records of deferred sentences, dismissals under rule 48(a), or a  
2 not guilty finding by a judge or jury after trial to be automatically quashed and destroyed, if upon  
3 completion of the five (5) year period after acceptance of the deferred sentence, no action has  
4 been taken on the case. Further, all records relating to the case would be expunged under chapter  
5 12-1.3.

6           This act would take effect upon passage.

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