

2018 -- S 2590

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LC003728  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION

Introduced By: Senators Archambault, Metts, Lombardi, Jabour, and Lynch Prata

Date Introduced: March 01, 2018

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           (a) Whenever any person is arraigned before the superior court and pleads guilty or nolo  
5 contendere, he or she may be at any time sentenced by the court; ~~provided, that if at any time the~~  
6 ~~court formally defers sentencing, then the person and the court shall enter into a written deferral~~  
7 ~~agreement to be filed with the clerk of the court.~~ The court may also defer sentencing in  
8 accordance with this section. When a court formally defers sentence, the court may only impose  
9 sentence up to five (5) years ~~from and after the date of the written deferral agreement~~ of the date  
10 of the person's plea of guilty or nolo contendere, unless during the required period, the person  
11 shall be declared to have violated the terms and conditions of the deferment pursuant to  
12 subsection (b) in which event the court may impose sentence.

13           (b) ~~The court may require that the person agreeing to said deferment of sentence shall not~~  
14 ~~violate any condition of the written deferral agreement.~~ It shall be an express condition of any  
15 deferment of sentence in accordance with this section that the person receiving a deferment of  
16 sentence shall at all times during the period of deferment keep the peace and be of good behavior.

17           A violation of any condition set forth by ~~the written deferral agreement~~ the court shall violate the  
18 terms and conditions of the deferment of sentence and the court may impose a sanction or impose  
19 sentence. The determination of whether a violation has occurred shall be made by the court in

1 accordance with procedures relating to violation of probation in court rules and §§ 12-19-2 and  
2 12-19-14.

3 (c) If a person, after the completion of the deferment period is determined by the court to  
4 have kept the peace and been of good behavior and obeyed all conditions imposed by the court,  
5 ~~after a hearing to have complied with all of the terms and conditions of the deferral agreement~~  
6 including, but not limited to, the payment in full of any court-ordered fines, fees, costs,  
7 assessments, and restitution to victims of crime, then the person shall become immediately  
8 eligible for consideration for expungement pursuant to the provisions of §§ 12-1.3-2 and 12-1.3-  
9 3.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would remove the requirement that the attorney general consent to a deferment  
2 of sentencing in a written deferral agreement, and grant the superior court traditional discretion in  
3 sentencing matters.

4           This act would take effect upon passage.

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