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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, C Levesque, Jabour, and Pichardo

Date Introduced: March 04, 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           (a) Whenever any ~~prisoner~~ person is arraigned before ~~the~~ either superior, district or family court  
5 and pleads guilty or nolo contendere ~~refuses to contend with the state~~, he or she may be at any  
6 time sentenced by the court; provided, ; that if at any time the court formally defers sentencing  
7 then the person and the attorney general shall enter into a written deferral agreement to be  
8 ~~defendant, and upon the deferral a written agreement concerning the deferring of sentence is~~  
9 ~~entered into between the attorney general and the prisoner and~~ filed with the clerk of the court, ;  
10 When a court formally defers sentence, the court may only impose sentence within five (5) years  
11 from and after the date of the written deferral agreement, unless during the five (5) year period,  
12 the ~~prisoner~~ person shall be declared to have violated the terms and conditions of the deferment  
13 pursuant to subsection (a) of this section sentenced to imprisonment in this or in any other state,  
14 in which event the court may impose sentence. ~~at any time within five (5) years from and after the~~  
15 ~~termination of the sentence of imprisonment, or unless at the time the sentence is formally~~  
16 ~~deferred the prisoner is serving a term of imprisonment under sentence previously imposed in~~  
17 ~~another case, in which event the court may impose sentence at any time within five (5) years from~~  
18 ~~and after the date on which the prisoner is released from prison either on parole or at the~~  
19 ~~termination of the sentence of imprisonment, whichever first occurs.~~

1           (b) It shall be an express condition of any deferment of sentence in accordance with this  
2 section that the person agreeing to said deferment of sentence shall at all times during the period  
3 of deferment keep the peace and be of good behavior. A violation of this express condition or any  
4 other conditions set forth by either the court or the written deferral agreement shall violate the  
5 terms and conditions of the deferment of sentence and the court may impose sentence. The  
6 determination of whether a violation has occurred shall be made by the court in accordance with  
7 procedures relating to violation of probation section 12-19-2 and 12-19-14.

8           (c) If a person, after the completion of the five (5) year deferment period is determined by  
9 the court to have complied with all of the terms and conditions of the written deferral agreement,  
10 then the person shall be exonerated of the charges for which sentence was deferred and records  
11 relating to the criminal complaint, information or indictment shall be sealed pursuant to the  
12 provision of chapter 1 section 12 of this title. Further, if any record of the criminal complaint,  
13 information or indictment has been entered into a docket or alphabetical index, whether in writing  
14 or electronic information storage or other data compilation system, all references to the identity of  
15 the person charged by the complaint shall be sealed.

16           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 allows the district court, family court or superior court to place a person on a  
2 deferred sentence and also provides that the courts may seal any records after completion of the  
3 sentence in accordance with law.

4           This act would take effect upon passage.

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