

2022 -- S 2795

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION

Introduced By: Senators Quezada, McCaffrey, Euer, Acosta, Cano, F Lombardi, and
Burke

Date Introduced: March 24, 2022

Referred To: Senate Judiciary

(Dept. of Corrections)

It is enacted by the General Assembly as follows:

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

3 **12-19-2. Selection of method and amount or term of punishment.**

4 (a) Whenever it is provided that any offense shall be punished by a fine or imprisonment,
5 the court imposing punishment may, in its discretion, select the kind of punishment to be imposed,
6 and, if the punishment is fine or imprisonment, its amount or term within the limits prescribed by
7 law; provided, if the punishment to be imposed is imprisonment, the sentence or sentences imposed
8 shall be reduced by the number of days spent in confinement while awaiting trial and while awaiting
9 sentencing; and provided, further, that in the case of a person sentenced to a life sentence, the time
10 at which he or she shall become eligible to apply for parole shall be reduced by the number of days
11 spent in confinement while awaiting trial and while awaiting sentencing; and any sentence or
12 sentences in effect at present, including the provision as to a life sentence as described in this
13 subsection may be reduced in like manner by the court which imposed the sentence upon
14 application by the person serving the sentence to the court.

15 (b) The court upon the sentencing of a first time offender, excluding capital offense and
16 sex offense involving minors, may in appropriate cases sentence the person to a term of
17 imprisonment, and allow the person to continue in his or her usual occupation or education and
18 shall order the person to be confined in a minimum security facility at the A.C.I. during his or her
19 nonworking or study hours.

1 (c) The director of corrections or his or her designee may impose any conditions and
2 restrictions upon the release of persons sentenced under this section that he or she deems necessary.

3 (d) The director of corrections may at any time, subject to the approval of the director,
4 recall a prisoner from release status if he or she believes or has reason to believe the peace, safety,
5 welfare, or security of the community may be endangered by the prisoner being under release status.
6 Any prisoner recalled under this subsection shall be presented to the next regularly scheduled
7 meeting of the classification board for its further consideration.

8 (e) A prisoner authorized to work at paid employment in the community under this section
9 may be required to pay, and the director is authorized to collect, costs incident to the prisoner's
10 confinement as the director deems appropriate and reasonable. These collections shall be deposited
11 with the treasurer as a part of the general revenue of the state.

12 (f) When a sentenced inmate's parole release date or completion of sentence falls on a
13 weekend or on a holiday, the department of corrections may release the inmate on the prior business
14 day.

15 (g) When a sentenced inmate is scheduled to be released from the custody of the department
16 of corrections to a community partner for residential treatment and/or to a facility to maintain stable
17 living conditions, and the inmate's release date or completion of sentence is incompatible with the
18 capacity, staffing or scheduling capabilities of the community partner facility, the department of
19 corrections may release the inmate up to three (3) business days earlier than the scheduled release
20 date, provided the inmate transitions directly from the department of corrections to the community
21 partner facility.

22 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 permit the department of corrections to release a sentenced inmate up to
2 three (3) business days early directly to a community partner for residential treatment or stable
3 housing when the completion of the sentence is incompatible with the community partners staffing
4 or scheduling capabilities.

5 This act would take effect upon passage.

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