

2018 -- S 2901

LC004663

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION AND  
COMMUNITY NOTIFICATION

Introduced By: Senator Harold M. Metts

Date Introduced: May 17, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-37.1-2 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 **11-37.1-2. Definitions.**

4 (a) "Aggravated offense" means, and includes, offenses involving sexual penetration of  
5 victims of any age through the use of force, or the threat of use of force, or offenses involving  
6 sexual penetration of victims who are fourteen (14) years of age or under.

7 (b) "Board", "board of review", or "sex offender board of review" means the sex offender  
8 board of review appointed by the governor pursuant to § 11-37.1-6.

9 (c) (1) "Conviction" or "convicted" means, and includes, any instance where:

10 (i) A judgment of conviction has been entered against any person for any offense  
11 specified in subsection (e) or (k), regardless of whether an appeal is pending; or

12 (ii) There has been a finding of guilty for any offense specified in subsection (e) or (k),  
13 regardless of whether an appeal is pending; or

14 (iii) There has been a plea of guilty or nolo contendere for any offense specified in  
15 subsection (e) or (k), regardless of whether an appeal is pending; or

16 (iv) There has been an admission of sufficient facts or a finding of delinquency for any  
17 offense specified in subsection (e) or (k), regardless of whether or not an appeal is pending but  
18 only if the offender is fourteen (14) years of age or older at the time of the offense, and the

1 [offense adjudicated was comparable to or more severe than aggravated sexual abuse as described](#)  
2 [in 18 U.S.C. § 2241, or was an attempt or conspiracy to commit such an offense.](#)

3 (2) Provided, in the event that a conviction, as defined in this subsection, has been  
4 overturned, reversed, or otherwise vacated, the person who was the subject of the conviction shall  
5 no longer be required to register as required by this chapter and any records of a registration shall  
6 be destroyed. Provided, further, that nothing in this section shall be construed to eliminate a  
7 registration requirement of a person who is again convicted of an offense for which registration is  
8 required by this chapter.

9 (d) [Deleted by P.L. 2003, ch. 162, § 1 and by P.L. 2003, ch. 170, § 1].

10 (e) "Criminal offense against a victim who is a minor" means, and includes, any of the  
11 following offenses or any offense in another jurisdiction that is substantially the equivalent of the  
12 following or for which the person is or would be required to register under 42 U.S.C. § 14071 or  
13 18 U.S.C. § 4042(c):

14 (1) Kidnapping or false imprisonment of a minor, in violation of §§ 11-26-1.4, 11-26-1 or  
15 11-26-2, where the victim of the offense is sixteen (16) years of age or older and under the age of  
16 eighteen (18) years;

17 (2) Enticement of a child in violation of § 11-26-1.5 with the intent to violate §§ 11-37-6,  
18 11-37-8, 11-37-8.1, 11-37-8.3;

19 (3) Any violation of §§ 11-37-6, 11-37-8, 11-37-8.1, or 11-37-8.3;

20 (4) Any violation of § 11-1-10, where the underlying offense is a violation of chapter 34  
21 of this title and the victim, or person solicited to commit the offense, is under the age of eighteen  
22 (18) years;

23 (5) Any violation of § 11-9-1(b) or (c);

24 (6) Any violation of § 11-9-1.3;

25 (7) Any violation of § 11-9-1.5;

26 (8) Any violation of § 11-37.1-10;

27 (9) Any violation of § 11-37-8.8;

28 (10) Any violation of § 11-64-2, where the victim is under the age of eighteen (18) years;

29 (11) Murder in violation of § 11-23-1, where the murder was committed in the  
30 perpetration of, or attempted perpetration of, kidnapping and where the victim of the offense is  
31 under eighteen (18) years of age; or

32 (12) Any violation of §§ 11-67-6, 11-67.1-3(b), 11-67.1-4(b), 11-67.1-5(c), 11-67.1-6(b),  
33 or 11-67.1-7(b).

34 (f) "Designated state law enforcement agency" means the attorney general, or his or her

1 designee.

2 (g) "Employed, carries on a vocation" means and includes the definition of "employed,  
3 carries on a vocation" under 42 U.S.C. § 14071.

4 (h) "Institutions of higher education" means any university, two- or four-year (2 or 4)  
5 college or community college.

6 (i) "Mental abnormality" means a congenital or acquired condition of a person that affects  
7 the emotional or volitional capacity of the person in a manner that predisposes that person to the  
8 commission of criminal sexual acts to a degree that makes the person a menace to the health and  
9 safety of other persons.

10 (j) "Predator" means a person whose act(s) is (are) or was (were) directed at a stranger, or  
11 at a person with whom a relationship has been established or promoted for the primary purpose of  
12 victimization.

13 (k) "Sexually violent offense" means, and includes, any violation of §§ 11-37-2, 11-37-4,  
14 11-37-6, 11-37-8, 11-37-8.1, 11-37-8.3, 11-67-2 (where the victim was subject to commercial  
15 sexual activity), 11-67-3(a), 11-67-3(b) (where the victim was subject to commercial sexual  
16 activity), 11-67.1-3(c) (where the victim was subject to sexual servitude), 11-67.1-5(d), 11-67.1-  
17 6(c); or 11-5-1, where the specified felony is sexual assault; or § 11-23-1, where the murder was  
18 committed in the perpetration of, or attempted perpetration of, rape or any degree of sexual  
19 assault or child molestation; or any offense in another jurisdiction that is substantially the  
20 equivalent of any offense listed in this subsection or for which the person is or would be required  
21 to register under 42 U.S.C. § 14071 or 18 U.S.C. § 4042(c).

22 (l) "Sexually violent predator" means a person who has been convicted of a sexually  
23 violent offense and who has a mental abnormality or personality disorder that makes the person  
24 likely to engage in predatory sexually violent offenses.

25 (m) "Student" means, and includes, the definition of "student" under 42 U.S.C. § 14071.

26 (n) "Parole board" means the parole board or its designee.

27 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 provide that only those juveniles over the age of fourteen (14) be required  
2 to register as sex offenders and that the offense be comparable or more severe than those defined  
3 in 18 U.S.C. § 2241.

4           This act would take effect upon passage.

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