

2023 -- H 5900

LC002411

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL PROCEDURE -- VICTIM'S RIGHTS

Introduced By: Representative Alex D. Marszalkowski

Date Introduced: March 01, 2023

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-28-5.1 of the General Laws in Chapter 12-28 entitled "Victim's
2 Rights" is hereby amended to read as follows:

3 **12-28-5.1. Restitution.**

4 When the court orders a defendant to make financial restitution to the victim of a crime of
5 which the defendant has been convicted or to which the defendant has pleaded guilty or nolo
6 contendere, a civil judgment shall automatically be entered by the trial court against the defendant
7 on behalf of the victim for that amount. If payment is not made by the defendant within the period
8 set by the court, the civil judgment for the amount of the restitution ordered, plus interest at the
9 statutory amount from the date of the offense, plus costs of suit, including reasonable attorney's
10 fees, shall be enforceable by any and all means presently available in law for the collection of
11 delinquent judgments in civil cases generally. [Any initial filing fees and service of process costs](#)
12 [associated with enforcing a civil judgement pursuant to this section shall be waived. Subsequent](#)
13 [filing fees and service of process costs may be waived at the discretion of the court.](#)

14 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 amend the current requirement of payment of an initial filing fee and service
2 of process costs when the victim of a crime is still owed restitution at the expiration of the criminal
3 case and the victim seeks to enforce the civil judgment entered at the time of disposition and would
4 allow a waiver of subsequent filing fees and service costs at the discretion of the court.

5 This act would take effect upon passage.

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