

2023 -- H 5909

LC000204

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - SUPERIOR COURT

Introduced By: Representatives Serpa, and Azzinaro

Date Introduced: March 01, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 8-2 of the General Laws entitled "Superior Court" is hereby amended
2 by adding thereto the following section:

3 **8-2-15.2. Felony driving under the influence - Court calendar.**

4 (a) Declaration of policy. It is hereby declared to be the policy of the State of Rhode Island
5 to provide maximum safety and security to its people from the effects of alcohol, drug and motor
6 vehicle operation, upon their persons and property, by expediting the processing and disposition of
7 such cases.

8 (b) Establishment. To accomplish this purpose, in an effort to minimize delay in the
9 processing of felony criminal cases in the superior court involving operating a motor vehicle while
10 under the influence of alcohol and/or drugs, which results in death or serious bodily injury to any
11 other person, there shall be established a policy that all cases within the jurisdiction of the
12 superior court, brought pursuant to §§ 31-27-2.2 and 31-27-2.6, shall be given a priority on the
13 disposition and trial calendars.

14 (c) Felony driving under the influence - Court calendar.

15 (1) The presiding judge of the superior court shall promulgate a "felony driving under the
16 influence" calendar. Said calendar shall set forth an expedited timeline in which discovery is
17 exchanged between the state and defendant(s). For purposes of this section "discovery" shall
18 include, but not be limited to, all statements, videos, accident reconstruction reports, witness
19 interviews, photographs, any other expert reports required to be disclosed pursuant to rule 16 of the

1 Rhode Island court rules of criminal procedure. Discovery shall also include, but not be limited to,
2 all exculpatory evidence which the state is required to provide to any defendant, including arrest
3 records of any witness, any medical or forensic reports of any victim and any disciplinary records
4 of any law enforcement agent involved in the investigation of the offense.

5 (2) For purposes of this section, the court shall establish the following timeline, which shall
6 be strictly adhered to, absent a showing of good cause:

7 (i) Within sixty (60) days of the initial arrest of any defendant charged with a criminal
8 offense pursuant to §§ 31-27-2.2 or 31-27-2.6, the department of attorney general ("department"),
9 shall complete its review or screening process to determine if probable cause exists to charge the
10 defendant with a felony criminal offense of driving under the influence. In the event that the
11 department elects to present the matter to the grand jury for its consideration, it shall do so within
12 ninety (90) days of the initial arrest of the defendant.

13 (ii) Upon the filing of an information by the department or the return of true bill charging
14 the defendant by the grand jury, the superior court in the county with jurisdiction over the matter,
15 shall conduct an arraignment of the defendant within fourteen (14) days of the information or
16 indictment being filed.

17 (iii) Any motion for discovery filed by the defendant shall be filed within fourteen (14)
18 days of the defendant's arraignment.

19 (iv) The department shall respond to any motion filed by the defendant within thirty (30)
20 days of receipt of such motion and shall, also, at the time of its response, file its reciprocal motions
21 to be answered by the defendant.

22 (v) The defendant shall respond to the department's request for reciprocal discovery within
23 thirty (30) days and may be entitled to file additional motions, with leave of court, based on their
24 review of the department's initial disclosure.

25 (vi) All exchange of discovery between the state and the defendant shall be completed
26 within ninety (90) days of the defendant's arraignment.

27 (vii) The court shall conduct a pre-trial conference within fourteen (14) days after the
28 completion of the exchange of discovery between the department and the defendant. The court shall
29 be allowed to conduct two (2) additional pre-trial conferences; provided that, each such pre-trial
30 conference shall not be scheduled more than fourteen (14) days apart.

31 (viii) If a pretrial disposition is not reached at the time of the third pre-trial conference, the
32 court shall place the case on its continuous trial calendar and every such case charged pursuant to
33 §§ 31-27-2.2 or 31-27-2.6, shall be given a priority on the trial calendar and every such trial shall
34 be commenced within sixty (60) days of the last pre-trial conference. No continuances or

1 postponements shall be granted except for good cause shown. Such continuances as are necessary,
2 shall be granted for the shortest practicable time.

3 (d) Use of section. Under no circumstances shall the defendant(s) be permitted to use this
4 section as a basis for a dismissal of an action, as this section is enacted for the benefit and
5 convenience of the superior court in the assignment of its actions for trial.

6 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 COURTS AND CIVIL PROCEDURE - COURTS - SUPERIOR COURT

1 This act would mandate that the superior court establish a felony drunk driving calendar
2 and promulgate a strict time line for the attorney general to file an information or indictment against
3 any defendant and set a strict schedule for exchange of discovery and scheduling a trial date in any
4 such matter.

5 This act would take effect upon passage.

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