

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
FAMILY COURT

Introduced By: Representatives Batista, Potter, Shanley, Casimiro, Felix, Giraldo, J.
Lombardi, Alzate, Dawson, and Kislak

Date Introduced: January 18, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 14-1-7.2 of the General Laws in Chapter 14-1 entitled "Proceedings
2 in Family Court" is hereby amended to read as follows:

3 **14-1-7.2. Certification — Proof.**

4 (a) Upon a motion by the attorney general pursuant to § 14-1-7, the court shall conduct a
5 hearing at which it shall be the duty of the attorney general to produce evidence to enable the court
6 to determine:

7 (1) Probable cause exists to believe that the offense charged has been committed and that
8 the child charged has committed it;

9 (2) The child's past history of offenses, history of treatment, or the heinous or premeditated
10 nature of the offense is such that the court finds that the interests of society or the protection of the
11 public necessitate the certification; and

12 (3) The jurisdiction of the court but for the exercise of certification is in all likelihood an
13 insufficient period of time in which to accomplish a rehabilitation of the child.

14 (b) If the court finds that subdivisions (a)(1) — (a)(3) of this section have been proven by
15 a preponderance of evidence, it shall certify the child pursuant to § 14-1-7.3.

16 ~~(c) Any person sixteen (16) years of age or older who has been found delinquent for having~~
17 ~~committed two (2) offenses after the age of sixteen (16), which would render that person subject to~~
18 ~~an indictment if he or she were an adult, shall be certified pursuant to this section. Any findings for~~

1 ~~offenses which have occurred prior to April 11, 1990, shall be considered in making a determination~~
2 ~~of eligibility for certification. Nothing in this section shall be construed to prohibit a waiver of~~
3 ~~jurisdiction of any child pursuant to § 14-1-7.1.~~

4 SECTION 2. This act shall take effect upon passage.

=====
LC003911
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
FAMILY COURT

1 This act would remove the requirement that any person sixteen (16) years of age or older
2 who has been found delinquent for having committed two (2) offenses after the age of sixteen (16)
3 would be automatically certified and afforded the right to a jury trial and subject to sentencing
4 guidelines pursuant to § 14-1-7.3.

5 This act would take effect upon passage.

=====
LC003911
=====