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**STATE OF RHODE ISLAND**

## IN GENERAL ASSEMBLY

## **JANUARY SESSION, A.D. 2026**

## AN ACT

RELATING TO CRIMINAL PROCEDURE -- THE RHODE ISLAND FIRST STEP ACT

Introduced By: Representatives J. Lombardi, Hull, Sanchez, Cruz, and Stewart

Date Introduced: January 15, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

## 1 SECTION 1. Policy and findings.

2 The general assembly finds and declares that sentence reductions for various inmates  
3 serving lengthy terms of imprisonment are appropriate and hereby enacts chapter 19.4 of title 12 in  
4 furtherance of that finding.

5 SECTION 2. Title 12 of the General Laws entitled "CRIMINAL PROCEDURE" is hereby  
6 amended by adding thereto the following chapter:

## CHAPTER 19.4

## THE RHODE ISLAND FIRST STEP ACT

#### **12-19.4-1. Short title.**

10 This chapter shall be known and may be cited as "The Rhode Island First Step Act".

## 12-19.4-2. Definitions.

12 As used in this chapter:

15 (i) Who is not less than sixty-five (65) years of age;

16 (ii) Who has served at least two-thirds (2/3) of the term of imprisonment to which the

17 inmate was sentenced and in the case of an inmate serving a life sentence, that has served at least

18 the minimum term of years required before parole eligibility; and

19 (iii) Who does not have a history of violence while incarcerated, has not attempted to

1   escape or escaped during the inmate's term of imprisonment and who has not engaged in conduct  
2   which would place the individual at substantial risk of re-offending or endangering any person if  
3   released to pre-release confinement.

4       (3) "Eligible terminally ill inmate" means an inmate in the custody of the department:  
5           (i) Who has been determined by a licensed physician approved by the department to be:  
6               (A) In need of care at a nursing home, intermediate care facility, or assisted living facility  
7               as those terms are defined in the National Housing Act § 232, (12 U.S.C. 1715w); or  
8               (B) Diagnosed with a terminal illness.  
9               (ii) Who has served at least two-thirds (2/3) of the term of imprisonment to which the  
10          inmate was sentenced and in the case of an inmate serving a life sentence, that has served at least  
11          the minimum term of years required before parole eligibility; and  
12               (iii) Who does not have a history of violence while incarcerated, has not attempted to  
13          escape or escaped during the inmate's term of imprisonment and who has not engaged in conduct  
14          which would place the individual at substantial risk of re-offending or endangering any person if  
15          released to pre-release confinement.

16       (4) "Functional literacy" means an eighth-grade equivalence in reading and mathematics  
17          on a nationally recognized standardized test or functional competency or literacy on a nationally  
18          recognized criterion-referenced test.

19       (5) "Prerelease custody" means and shall include home confinement, a residence in a  
20          community treatment center, restitution center, mental health facility, alcohol or drug rehabilitation  
21          center or other community facility or halfway house under the supervision of the department.

22       (6) "Terminal illness" means a disease or condition with an end-of-life trajectory.

23       **12-19.4-3. Sentencing factors to be considered.**

24       The court, in determining whether to impose a term of imprisonment for any inmate  
25          convicted of a crime, shall consider the following:

26           (1) The seriousness of the offense, the history and characteristics of the inmate, the need  
27          for rehabilitation, substance abuse treatment, mental health treatment, the need for educational or  
28          vocational training and the inmate's prior criminal history.

29           (2) Notwithstanding the provisions of this chapter or the provisions of rules of criminal  
30          procedure for the superior court of Rhode Island, Rule 35, a judgment of conviction that includes  
31          such a sentence constitutes a final judgment for all other purposes.

32       **12-19.4-4. Dignity for female inmates.**

33           (a) The department shall not shackle any female inmate who is pregnant while incarcerated.  
34          This ban shall continue for a period of three (3) months after the ending of the pregnancy.

(b) The department shall provide and make available to all female inmates sanitary napkins and tampons at no cost.

#### **12-19.4-5. Modification of an imposed term of imprisonment.**

4                   (a) The court may modify a term of imprisonment, upon motion of the department or upon  
5                   motion of the inmate if it finds that:

(1) Extraordinary and compelling reasons warrant such a reduction; or

7                   (2) The inmate is at least sixty-five (65) years of age, has served at least two-thirds (2/3)  
8                   of the sentence for the offense or offenses for which the inmate is currently imprisoned, and a  
9                   determination has been made by the director that the inmate is not a danger to the safety of any  
10                   other person or the community.

11                   (b) The court may modify an imposed term of imprisonment to the extent otherwise  
12                   expressly permitted by statute or by the rules of criminal procedure for the superior court of Rhode  
13                   Island, Rule 35.

14        (c) In the case of an inmate who has been sentenced to a term of imprisonment based on a  
15        sentencing provision that has subsequently been reduced, the court may reduce the term of  
16        imprisonment, after considering the factors set forth in this section.

#### **12-19.4-6. Notification requirements- Modification based on terminal illness.**

18        Notification. The department shall, subject to any applicable confidentiality requirement,  
19        in the case of an inmate diagnosed with a terminal illness:

20        (1) Not later than seventy-two (72) hours after the diagnosis, notify the inmate's attorney,  
21        family members, or health care designee of the inmate's condition and advise them that they may  
22        prepare a request for sentence reduction on the inmate's behalf;

23 (2) Not later than seven (7) days after the date of the diagnosis, provide the inmate's  
24 attorney, family members, or health care designee an opportunity to visit the inmate in person,  
25 regardless of whether the inmate is being housed in a prison facility or hospital;

26        (3) Upon request from the inmate, family member or health care designee, ensure that the  
27        department personnel assist the inmate, if not represented by counsel, in the preparation, drafting  
28        and submission of a motion for sentence reduction, or assist them in preparing a request that counsel  
29        be appointed to represent the inmate if the inmate otherwise qualifies for the services of the public  
30        defender or court appointed counsel;

31                   (4) Not later than fourteen (14) days of receipt of a request for a sentence reduction, process  
32    said request; and

33                   (5) Ensure that all department facilities regularly and visibly post, including in inmate  
34                   handbooks, staff training manuals and materials, facility law libraries and medical and hospice

1     facilities, and make available to inmates upon demand, notice of:

2         (i) An inmate's ability to request a sentence reduction pursuant to this chapter;

3         (ii) The procedures and timelines for initiation and resolving requests for sentence

4         reductions; and

5         (iii) The right to reapply to the parole board sixty (60) days after denial of application

6         pursuant to § 13-8.1-4.

7         **12-19.4-7. Release of an inmate.**

8             (a) An inmate shall be released by the department on the date of the expiration of the

9         inmate's term of imprisonment, less any time credited toward the service of the inmate's sentence

10         as provided in subsection (b) of this section. If the date for an inmate's release falls on a Saturday,

11         Sunday, or legal holiday, the inmate shall be released by the department on the last preceding

12         weekday.

13             (b) An inmate who is serving a term of imprisonment of more than one year, other than a

14         term of imprisonment for the duration of the inmate's life, may receive credit toward the service of

15         the inmate's sentence, beyond the time served, of up to one-hundred twenty (120) days at the end

16         of each year of the inmate's term of imprisonment, beginning at the end of the first year of the term,

17         subject to determination by the department that, during that year, the inmate has displayed

18         exemplary compliance with institutional disciplinary regulations. In the case of an inmate serving

19         a life sentence, the inmate may receive credit toward their parole eligibility date of up to seventy-

20         five (75) days at the end of each year. No inmate shall receive credit toward the service of their

21         sentence if the department determines that, during that year, the inmate has not satisfactorily

22         complied with the institutional regulations, or has incurred disciplinary infractions in violation of

23         any institutional regulation. Provided, however, the department may award the inmate such lesser

24         credit as the department determines to be appropriate after considering the nature and frequency of

25         the violations. The department shall also consider whether the inmate, during the relevant period,

26         has earned, or is making satisfactory progress toward earning, a high school or college diploma or

27         equivalent degree or has worked in prison industries, in any form of employment, during the period

28         of their incarceration.

29             (c) The department shall ensure that it has in effect an optional general educational

30         development (GED) program for inmates who have not earned a high school diploma or its

31         equivalent.

32             (d) The department shall ensure that an inmate serving a term of imprisonment spends a

33         portion of the final months of that term, but in no event not more than twelve (12) months, in pre-

34         release custody, under conditions that will afford that inmate a reasonable opportunity to adjust to

1 and prepare for the reentry of that inmate into the community.

2 (e) The authority under this chapter may be used to place an inmate in pre-release custody  
3 for a term of ten percent (10%) of the remaining term of imprisonment of that inmate or six (6)  
4 months, whichever is longer. The department shall place inmates with lower risk levels and lower  
5 needs on home confinement for the maximum amount of time permitted under this subsection.  
6 Those inmates who are not considered to be low risk levels or those not with lower needs shall also  
7 be considered for pre-release custody; provided that, the term in pre-release custody shall not  
8 exceed five percent (5%) of the remaining term of imprisonment of that inmate or four (4) months,  
9 whichever is longer.

10 (f) The division of parole and probation shall, to the extent practicable, offer assistance  
11 with job placement, counseling services and medical services to an inmate during pre-release  
12 custody pursuant to subsection (e) of this section.

13 (g) The department shall promulgate rules and regulations to implement the provisions of  
14 this chapter pursuant to this section not later than ninety (90) days after the effective date of this  
15 chapter, which shall ensure that placement in pre-release custody in a community is:

16 (1) Conducted in a manner consistent with this section;  
17 (2) Determined on an individual basis; and  
18 (3) Of sufficient duration to provide the greatest likelihood of successful reintegration into  
19 the community.

20 **12-19.4-8. Allotment of clothing, funds and transportation.**

21 Upon the release of an inmate on the expiration of the inmate's term of imprisonment, the  
22 department shall furnish the inmate with:

23 (1) Suitable clothing;  
24 (2) If the inmate is considered indigent, an amount of money, not more than five hundred  
25 dollars (\$500), determined by the department to be consistent with the needs of the inmate and the  
26 public interest; and

27 (3) Transportation to the inmate's bona fide residence within the state; provided, however,  
28 that no transportation shall be provided to a place outside of this state if the inmate is a Rhode  
29 Island resident or if the inmate has not obtained approval from the department to transfer inmate's  
30 probation/parole to another state.

31 **12-19.4-9. Mandatory functional literacy requirement.**

32 (a) The department shall have in effect a mandatory functional literacy program for all  
33 mentally capable inmates who are not functionally literate in each correctional institution within  
34 six (6) months from the effective date of this chapter.

(b) Each mandatory functional literacy program shall include a requirement that each inmate participate in such program for a mandatory period sufficient to provide the inmate with an adequate opportunity to achieve functional literacy, and appropriate incentives which lead to successful completion of such programs shall be developed and implemented.

(c) Non-English speaking inmates shall be required to participate in an English-as-a-second language program until they function at an eighth grade equivalence on a nationally recognized educational achievement test, or until the expiration of their sentence, whichever comes first.

#### **12-19.4-10. Release from confinement.**

9                   (a) The department shall establish pre-release planning procedures that help inmates  
10                   acclimate back into society. The planning procedures shall include providing inmates with  
11                   information in the areas of education, vocational training, employment opportunities, the  
12                   availability of medical care, mental health and substance abuse counseling and community  
13                   resources that would otherwise assist them upon their release.

14        (b) The department shall inform a person who is released from prison and required to  
15        register under the sexual offender registration and community notification requirements of chapter  
16        37.1 of title 11 as they apply to that person.

17        (c) The department shall assist inmates, prior to release from a term of imprisonment, in  
18        obtaining a social security card, driver's license or other official photo identification, and a birth  
19        certificate.

20 (d) The department, the state and its agencies, officers, and employees shall be immune  
21 from liability based on good faith conduct in carrying out the provisions of this section.

#### **12-19.4-11. Recidivism prevention.**

30 (b) In order to achieve these goals, the department shall:

31 (1) Assess each inmate's skill level, including academic, vocational, health, cognitive,  
32 interpersonal, daily living, and related reentry skills, at the beginning of the term of imprisonment  
33 of that inmate to identify any areas in need of improvement prior to reentry;

34 (2) Generate a skills development plan for each inmate to monitor skills enhancement and

1        reentry readiness throughout incarceration;

2            (3) Ensure that priority is provided to the reentry needs of high-risk populations, such as

3        sex offenders, career criminals, and inmates with mental health problems;

4            (4) Coordinate and collaborate with other agencies including the department of health and

5        criminal justice community-based organizations, and faith-based organizations to assist in

6        effectuating a seamless reintegration of inmates into communities;

7            (5) Collect information regarding an inmate's family relationships, parental

8        responsibilities, and contacts with children to assist inmates maintain important familial

9        relationships and support systems during incarceration and after release from custody; and

10            (6) Provide incentives, as the department deems appropriate, for inmate participation in

11        skills development programs.

12            **12-19.4-12. Elderly and terminally ill inmates.**

13            (a) The department shall establish a program to determine the effectiveness of removing

14        eligible elderly inmates and eligible terminally ill inmates from a prison facility and placing such

15        inmates in pre-release custody until the expiration of the prison term to which the inmate was

16        sentenced.

17            (b) In carrying out the program as described in this section, the department may release

18        some or all eligible elderly inmates and eligible terminally ill inmates from a prison facility to pre-

19        release custody.

20            (c) A violation by an eligible elderly inmate or eligible terminally ill inmate of the terms

21        of pre-release custody, or the commission of another offense while in pre-release custody, shall

22        result in the return of that inmate to the designated institution in which that inmate was imprisoned

23        immediately before placement in pre-release custody or to another appropriate institution, as

24        determined by the department.

25            SECTION 3. This act shall take effect upon passage.

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LC003772

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL PROCEDURE -- THE RHODE ISLAND FIRST STEP ACT

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- 1        This act would establish the Rhode Island first step program requiring the department of
- 2        corrections to assist inmates with reintegration into society, provide them with counseling, medical
- 3        care, and education and provide for modification of imprisonment or relocation to pre-release
- 4        confinement for elderly and terminally ill inmates.

- 5        This act would take effect upon passage.

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