

2026 -- S 2161

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LC003708

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Introduced By: Senators Kallman, Quezada, Mack, Vargas, Paolino, Acosta, Euer, Zurier, Urso, and McKenney

Date Introduced: January 16, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-19-14 of the General Laws in Chapter 12-19 entitled "Sentence
2 and Execution" is hereby amended to read as follows:

3 **12-19-14. Violation of terms of probation — Notice to court — Revocation or**
4 **continuation of suspension.**

5 (a) Whenever any person who has been placed on probation by virtue of the suspension of
6 execution of his or her sentence pursuant to § 12-19-13 ~~violates~~ is believed to have violated the
7 terms and conditions of his or her probation as fixed by the court by being formally charged with
8 committing a new criminal offense, the police or department of corrections division of
9 rehabilitative services shall cause the defendant to appear before the court. The department of
10 corrections division of rehabilitative services shall determine when a technical violation of the
11 terms and conditions of probation as fixed by the court ~~that does not constitute a new criminal~~
12 ~~offense~~ has occurred and shall cause the defendant to appear before the court. For technical
13 violations, the division of rehabilitative services shall promptly render a written report relative to
14 the conduct of the defendant, ~~including, as applicable, a description of the clear and articulable~~
15 ~~public safety risk posed by a defendant accused of a technical violation,~~ and, as available, the
16 information contained in any report under § 12-13-24.1. ~~The division of rehabilitative services may~~
17 ~~recommend that the time served up to that point is a sufficient response to a violation that is not a~~
18 ~~new, alleged crime. The court may order the defendant held without bail for a period not exceeding~~
19 ~~ten (10) days excluding Saturdays, Sundays, and holidays if the new criminal charge(s) constitutes~~

1 ~~a violent crime as defined in the Rhode Island General Laws, a domestic violence crime, or a crime~~
2 ~~involving driving under the influence or if the court determines in its discretion that public safety~~
3 ~~concerns and/or concerns regarding the defendant's likelihood to appear before the court warrant~~
4 ~~holding the defendant without bail.~~

5 (b) Whenever any person accused of violating the terms and conditions of his or her
6 probation is caused to appear before the court, the court shall set reasonable bail and may set other
7 reasonable conditions of release. In all cases involving a violation that does not constitute a new
8 criminal offense or an alleged violation involving low level substance use, there shall be a
9 presumption of release pending a defendant's probation violation hearing. If the court believes that
10 the defendant presents a substantial risk of failing to appear at the probation violation hearing, then
11 the court shall place forward any non-monetary conditions deemed necessary for reasonable surety.

12 (c) The court shall only detain the defendant if the court believes, based on the totality of
13 the circumstances, that the defendant presents a threat to the community or themselves or if no non-
14 monetary conditions or combination of conditions in the community will reasonably assure the
15 defendant's appearance at the probation violation hearing. The court may consider factors
16 including, but not limited to, the alleged probation violator's age, condition of health, criminal
17 record, the alleged facts of the new offense, and the bail set for the new offense. The court shall
18 explain its reasoning for denying release in writing or on the record.

19 **(b)(d)** The court shall conduct a hearing within thirty (30) days of arrest; provided that, in
20 the event that the alleged probation violator was held without bail pursuant to this section, the
21 hearing shall take place within ten (10) days not including holidays, Saturdays, or Sundays, unless
22 waived by the defendant alleged probation violator, to determine whether the defendant violator
23 has violated the terms and conditions of his or her probation, at which hearing the defendant violator
24 shall have the opportunity to be present and to respond. Upon a determination by a fair
25 preponderance of the evidence that the defendant violator has violated the terms and conditions of
26 his or her probation, the court, in open court and in the presence of the defendant violator, may as
27 to the court may seem just and proper:

28 (1) Revoke the suspension and order the defendant committed on the sentence previously
29 imposed, or on a lesser sentence;
30 (2) Impose a sentence if one has not been previously imposed;
31 (3) Stay all or a portion of the sentence imposed after removal of the suspension;
32 (4) Continue the suspension of a sentence previously imposed; or
33 (5) Convert a sentence of probation without incarceration to a suspended sentence.

1 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 require courts to presume release for most probation violations, set reasonable bail or non-monetary conditions, limit detention to cases of risk or danger, require prompt hearings, and mandate written reasons for detention.
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- 3
- 4 This act would take effect upon passage.

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