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ARTICLE 13

RELATING TO HUMAN SERVICES

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

12-19-14. Violation of terms of probation – Notice to court – Revocation or continuation of suspension.

(a) Whenever any person who has been placed on probation by virtue of the suspension of execution of his or her sentence pursuant to § 12-19-13 violates the terms and conditions of his or her probation as fixed by the court by being formally charged with committing a new criminal offense, the police or department of corrections division of rehabilitative services shall cause the defendant to appear before the court. The division of rehabilitative services shall promptly render a written report relative to the conduct of the defendant, and the information contained in any report under § 12-13-24.1. ~~The division of rehabilitative services may recommend that the time served up to that point is a sufficient response to a violation that is not a new, alleged crime.~~ The court may order the defendant held without bail for a period not exceeding ten (10) days excluding Saturdays, Sundays, and holidays if the new criminal charge(s) constitutes a violent crime as defined in the Rhode Island General Laws, a domestic violence crime, or a crime involving driving under the influence.

(b) Whenever any person who has been placed on probation by virtue of the suspension of execution of his or her sentence pursuant to § 12-19-13 allegedly commits a technical violation of the terms and conditions of his or her probation as fixed by the court that does not constitute a new criminal offense, including but not limited to failure to report to the probation officer, failure to remain within the state of Rhode Island, failure to notify the probation officer of change of address, telephone number, or employment, failure to be steadily employed or attend school or vocational training, or failure to pay restitution, court costs, and fines, the department of corrections division of rehabilitative services may, at its discretion and depending upon the circumstances of the individual case, cause the defendant to appear before the court. This section shall be liberally construed to limit the use of incarceration for technical violations of probation to defendants who pose a clear and articulable public safety risk. If the defendant is caused to appear before the court, the division of rehabilitative services shall promptly render a written report relative to the conduct of the defendant, and the information contained in any report under § 12-13-24.1, in which the division shall make a finding on the record as to the clear public safety risk posed by the defendant

1 that warrants the defendant to appear before the court. The division of rehabilitative services may
2 recommend that the time served be a sufficient response to a violation that is not a new, alleged
3 crime.

4 ~~(b)~~(c) The court shall conduct a hearing within thirty (30) days of arrest, unless waived
5 by the defendant, to determine whether the defendant has violated the terms and conditions of his
6 or her probation, at which hearing the defendant shall have the opportunity to be present and to
7 respond. Upon a determination by a fair preponderance of the evidence that the defendant has
8 violated the terms and conditions of his or her probation, the court, in open court and in the presence
9 of the defendant, may as to the court may seem just and proper:

- 10 (1) Revoke the suspension and order the defendant committed on the sentence previously
- 11 imposed, or on a lesser sentence;
- 12 (2) Impose a sentence if one has not been previously imposed;
- 13 (3) Stay all or a portion of the sentence imposed after removal of the suspension;
- 14 (4) Continue the suspension of a sentence previously imposed; or
- 15 (5) Convert a sentence of probation without incarceration to a suspended sentence.

16 SECTION 2. Chapter 13-8 of the General Laws entitled "Parole" is hereby amended by
17 adding thereto the following section:

18 **13-8-14.2. Special parole consideration for persons convicted as juveniles.**

19 (a)When a person who is serving a sentence imposed as the result of an offense or offenses
20 committed when he or she was less than eighteen years of age becomes eligible for parole pursuant
21 to applicable provisions of law, the parole board shall ensure that he or she is provided a meaningful
22 opportunity to obtain release and shall adopt rules and guidelines to do so, consistent with existing
23 law.

24 (b)During a parole hearing involving a person described in subsection (a) of this section,
25 in addition to other factors required by law or under the parole guidelines set forth by the parole
26 board, the parole board shall also take into consideration the diminished culpability of juveniles as
27 compared to that of adults and any subsequent growth and increased maturity of the prisoner during
28 incarceration. The board shall also consider the following:

- 29 (1) A review of educational and court documents;
- 30 (2) Participation in available rehabilitative and educational programs while in prison;
- 31 (3) Age at the time of the offense;
- 32 (4) Immaturity at the time of the offense;
- 33 (5) Home and community environment at the time of the offense;
- 34 (6) Efforts made toward rehabilitation;

- 1 (7) Evidence of remorse; and
- 2 (8) Any other factors or circumstances the Board considers relevant
- 3 (c) The parole board shall have access to all relevant records and information in the
- 4 possession of any state official or agency relating to the board’s consideration of the factors detailed
- 5 in the foregoing sections.

6 SECTION 3. Sections 13-8-11, 13-8-13, 13-8-18, and 13-8-18.1 of the General Laws in
7 Chapter 13-8 entitled “Parole” are hereby amended to read as follows:

8 **13-8-11. Good conduct, industrial, and meritorious service time ~~included in~~**

9 **computation.**

10 (a) In computing the one-third (1/3) of any term of sentence for the purpose of §§ 13-8-9 –
11 13-8-14, the time a prisoner shall have earned pursuant to §§ 42-56-24 and 42-56-26 shall be
12 considered by the parole board to reduce inmate overcrowding when directed by the criminal justice
13 oversight committee, pursuant to the provisions of § 42-26-13.3(e), or when directed by the
14 governor, pursuant to the provisions of § 42-26-13.3(f).

15 (b) As used in this section, the following words shall, unless the context clearly requires
16 otherwise, have the following meanings:

17 (i) “Compliance,” the absence of a finding by a Parole Officer or the Parole Board of a
18 violation of the terms or conditions of a permit or conditions of parole supervision set by the Rhode
19 Island Parole Board.

20 (ii) “Compliance credits,” credits that an eligible offender earns through compliance with
21 Parole Board-ordered conditions of parole supervision; provided, however, that such credits shall
22 operate to reduce the length of parole supervision.

23 (iii) “Eligible parolee,” any offender who is currently serving a term of post-incarceration
24 parole supervision except any such person serving a sentence of a violation of §§ 11-5-1 (where
25 the specified felony is murder or sexual assault), 11-23-1, 11-26-1.4, 11-37-2, 11-37-8.1 or 11-37-
26 8.3.

27 (c) On the first day of each calendar month after July 1, 2021, an eligible parolee shall earn
28 5 days of compliance credits if the eligible parolee served on parole without any documented
29 behavior that could constitute a violation of the terms and conditions of parole for the prior calendar
30 month. Any compliance credits so granted and not rescinded pursuant to guidelines set forth by the
31 parole board shall reduce the period of time that a parolee is subject to the jurisdiction of the parole
32 board under § 13-8-9.

1 (d) The parole board shall issue guidelines governing the awarding of compliance credits,
2 any disqualifiers to the earning of compliance credits, and the rescission or suspension of
3 compliance credits as applicable.

4 (e) The award or rescission of credits pursuant to this section shall not be the subject of
5 judicial review.

6 (f) This section shall apply to all individuals sentenced to imprisonment and subsequently
7 granted parole including those sentences granted prior to passage of this legislation and shall not
8 alter the ability of the Parole Board to revoke parole. The calculation of compliance credits shall
9 be prospective from the date of passage, while eligibility to earn compliance credits shall be
10 prospective and retrospective.

11 (g) The parole board shall calculate an eligible parolee's supervision termination date,
12 taking into consideration any earned compliance credits at the end of each calendar quarter. Upon
13 such calculation, the parole board shall inform the eligible offender of the termination date.

14 **13-8-13. Life prisoners and prisoners with lengthy sentences.**

15 (a) In the case of a prisoner sentenced to imprisonment for life, a parole permit may be
16 issued at any time after the prisoner has served not less than ten (10) years imprisonment; provided
17 that:

18 (1) In the case of a prisoner serving a sentence or sentences of a length making him or her
19 ineligible for a permit in less than ten (10) years, pursuant to §§ 13-8-9 and 13-8-10, the permit
20 may be issued at any time after the prisoner has served not less than ten (10) years imprisonment.

21 (2) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree
22 murder committed after July 10, 1989, the permit may be issued only after the prisoner has served
23 not less than fifteen (15) years imprisonment.

24 (3) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree
25 murder committed after June 30, 1995, the permit may be issued only after the prisoner has served
26 not less than twenty (20) years imprisonment; and

27 (4) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree
28 murder committed after July 1, 2015, the permit may be issued only after the prisoner has served
29 not less than twenty-five (25) years imprisonment.

30 (5) In the case of a prisoner sentenced to imprisonment for life for a crime, other than first-
31 or second-degree murder, committed after July 1, 2015, the permit may be issued only after the
32 prisoner has served not less than twenty (20) years imprisonment.

33 (b) The permit shall be issued only by a unanimous vote of all the attending members of
34 the board; provided that not less than four (4) members are present, and whenever, after the issue

1 of the permit, the prisoner shall be pardoned, then the control of the board over the prisoner shall
2 cease and terminate.

3 (c)(1) In the case of a prisoner sentenced to imprisonment for life who is convicted of
4 escape or attempted escape from the lawful custody of the warden of the adult correctional
5 institutions, the permit may be issued only after the prisoner has served not less than twenty-five
6 (25) years imprisonment; provided, however, that as to a prisoner who has been sentenced to
7 imprisonment for life for a conviction of first- or second-degree murder, committed after July 1,
8 2015, and who is convicted thereafter of escape or attempted escape from the lawful custody of the
9 warden of the adult correctional institutions, the permit may be issued only after the prisoner has
10 served not less than thirty-five (35) years imprisonment; and

11 (2) For each subsequent conviction of escape or attempted escape, an additional five (5)
12 years shall be added to the time required to be served.

13 (d) In the case of a prisoner sentenced consecutively to more than one life term for crimes
14 occurring after May 7, 1981, the permit may be issued only after the prisoner has served not less
15 than ten (10) years consecutively on each life sentence; provided, in the case of a prisoner sentenced
16 consecutively to more than one life term for crimes occurring after June 30, 1995, the permit may
17 be issued only after the prisoner has served not less than fifteen (15) years consecutively on each
18 life sentence. In the case of a prisoner sentenced consecutively to more than one life term for crimes
19 occurring after July 1, 2015, the permit may be issued only after the prisoner has served not less
20 than twenty (20) years consecutively on each life sentence. In the case of a prisoner sentenced
21 consecutively to more than one life term for crimes, including first- or second-degree murder,
22 occurring after July 1, 2015, the permit may be issued only after the prisoner has served not less
23 than twenty-five (25) years consecutively on each life sentence.

24 (e) Any person sentenced for any offense committed prior to his or her twenty-second
25 birthday, other than a person serving life without parole, shall be eligible for parole review and a
26 parole permit may be issued after the person has served no fewer than ten (10) years imprisonment
27 unless the person is entitled to earlier parole eligibility pursuant to any other provisions of law. This
28 subsection shall be given prospective and retroactive effect for all offenses occurring on or after
29 January 1, 1991.

30 **13-8-18. Revocation of parole – Hearing.**

31 The parole board may, by a majority vote of all of its members, revoke, in accordance with
32 the provisions of § 13-8-18.1, any permit issued by it to any prisoner under the provisions of this
33 chapter or revoke any permit issued by another state or jurisdiction where the prisoner is being
34 supervised by the Rhode Island parole board whenever it shall appear to the board that the prisoner

1 has violated any of the terms or conditions of his or her permit or conditions of parole set by an
2 out-of-state jurisdiction, or has during the period of his or her parole violated any state laws.
3 Whenever it shall come to the knowledge of the board that any prisoner at liberty under a permit
4 issued by this state or another state or jurisdiction has been guilty of a violation of parole related to
5 a new criminal charge, the chairperson shall issue his or her warrant to any officer authorized to
6 serve criminal process to arrest the prisoner and commit him or her to the adult correctional
7 institutions, to be detained until the board shall have an opportunity to determine whether the permit
8 of the prisoner is to be revoked in accordance with the provisions of § 13-8-18.1, or in the case of
9 prisoners granted parole by another state or jurisdiction, and supervised by the Rhode Island parole
10 board, until that state or jurisdiction takes custody of the prisoner. Whenever it shall come to the
11 knowledge of the board that any prisoner at liberty under a permit issued by this state or another
12 state or jurisdiction has been guilty of a technical violation of parole, absent a new criminal charge,
13 the chairperson may, at his or her discretion, issue his or her warrant to any officer authorized to
14 serve criminal process to arrest the prisoner and commit him or her to the adult correctional
15 institutions, to be detained until the board shall have an opportunity to determine whether the permit
16 of the prisoner is to be revoked in accordance with the provisions of § 13-8-18.1, or in the case of
17 prisoners granted parole by another state or jurisdiction, and supervised by the Rhode Island parole
18 board, until that state or jurisdiction takes custody of the prisoner. If the board shall determine that
19 the permit shall not be revoked, then the board shall immediately order the prisoner to be set at
20 liberty under the terms and conditions of his or her original permit.

21 **13-8-18.1. Preliminary parole violation hearing.**

22 (a) As soon as is practicable after a detention for an alleged violation of parole, the parole
23 board shall afford the alleged parole violator a preliminary parole revocation hearing before a
24 hearing officer designated by the board. Such hearing officer shall not have had any prior
25 supervisory involvement over the alleged violator.

26 (b) The alleged violator shall, within five (5) days of the detention, in Rhode Island be
27 given written notice of the time, place and purpose of the preliminary hearing. The notice shall state
28 the specific conditions of parole that are alleged to have been violated and in what manner. The
29 notice shall also inform the alleged violator of the following rights in connection with the
30 preliminary hearing:

- 31 (1) The right to appear and speak in his/her own behalf;
32 (2) The right to call witnesses and present evidence;

1 (3) The right to confront and cross-examine the witnesses against him/her, unless the
2 hearing officer finds on the record that a witness may be subjected to risk of harm if his or her
3 identity is revealed; and

4 (4) The right to retain counsel and, if unable to afford counsel, the right under certain
5 circumstances to the appointment of counsel for the preliminary hearing.

6 The determination of whether or not the alleged violator is entitled to appointed counsel, if
7 such a request is made, shall be made on the record and in accordance with all relevant statutory
8 and constitutional provisions.

9 (c) The notice form must explain in clear and unambiguous language the procedures
10 established by the parole board concerning an alleged violator's exercise of the rights denominated
11 in subsection (b), including the mechanism for compelling the attendance of witnesses, the
12 mechanism for obtaining documentary evidence, and the mechanism for requesting the
13 appointment of counsel.

14 (d) The preliminary hearing shall take place no later than ten (10) days after service of
15 notice set forth in subsection (b). A preliminary hearing may be postponed beyond the ten (10) day
16 time limit for good cause at the request of either party, but may not be postponed at the request of
17 the state for more than five (5) additional days. The parole revocation charges shall be dismissed
18 with prejudice if a preliminary hearing is not conducted within the time period established by this
19 paragraph, not including any delay directly attributed to a postponement requested by the alleged
20 violator.

21 (e) If the alleged violator has requested the appointment of counsel at least five (5) days
22 prior to the preliminary hearing, the preliminary hearing may not proceed without counsel present
23 unless the hearing officer finds on the record, in accordance with all relevant statutory and
24 constitutional provisions, that the alleged violator is not entitled to appointed counsel. If the alleged
25 violator is found to have been entitled to counsel and no such counsel has been appointed, the parole
26 violation charges must be dismissed with prejudice. If the request for counsel was made four (4) or
27 fewer days in advance of the preliminary hearing, the time limit within which the preliminary
28 hearing must be held may be extended up to five (5) additional days.

29 (f) The standard of proof at the preliminary hearing shall be probable cause to believe that
30 the alleged violator has violated one or more conditions of his or her parole and that the violation
31 or violations were not de minimus in nature. Proof of conviction of a crime committed subsequent
32 to release on parole shall constitute probable cause for the purposes of the preliminary hearing.

33 (g) At the preliminary hearing, the hearing officer shall review the violation charges with
34 the alleged violator, direct the presentation of the evidence concerning the alleged violation, receive

1 the statements of the witnesses and documentary evidence, and allow cross-examination of those
2 witnesses in attendance. All proceedings shall be recorded and preserved.

3 (h) At the conclusion of the preliminary hearing, the hearing officer shall inform the alleged
4 violator of his or her decision as to whether there is probable cause to believe that the alleged
5 violator has violated one or more conditions of his or her parole and, if so, whether the violation or
6 violations were de minimus in nature. Those determinations shall be based solely on the evidence
7 adduced at the preliminary hearing. The hearing officer shall state in writing the reasons for his or
8 her determinations and the evidence relied upon for those determinations. A copy of the written
9 findings shall be sent to the alleged violator, and his or her counsel if applicable, within fourteen
10 (14) days of the preliminary hearing.

11 (i) If the hearing officer finds that there is no probable cause to believe that the alleged
12 violator has violated one or more conditions of his or her parole or that the violation or violations,
13 if any, were de minimus in nature, the parole chairperson shall rescind the detention warrant and
14 direct that the alleged violator, unless in custody for other reasons, be released and restored to
15 parole supervision.

16 (j) If the hearing officer finds that there is probable cause to believe that the alleged violator
17 has violated one or more conditions of his or her parole and that the violation or violations were
18 not de minimus in nature, the alleged violator shall be held for a final parole revocation hearing. A
19 final parole revocation hearing must be held as soon as is practicable, but in no event more than
20 ninety (90) days after the conclusion of the preliminary hearing.

21 (k) An alleged violator may waive his or her right to a preliminary hearing. Such a waiver
22 must be in written form. In the event of such a written waiver, a final parole revocation hearing
23 must be held as soon as is practicable, but in no event more than ninety (90) days after the right to
24 a preliminary hearing is waived. Notwithstanding the above, a final parole revocation hearing may
25 be continued by the alleged violator beyond the ninety (90) day time period. [For parole violations](#)
26 [not involving a new criminal offense, an alleged violator may waive his or her right to a final parole](#)
27 [revocation hearing, where there is no dispute as to the alleged violation and the parolee charged](#)
28 [with such violation\(s\) freely admits to the violation and accepts the appropriate sanction imposed](#)
29 [by the parole board.](#)

30 SECTION 4. Sections 13-8.1-1, 13-8.1-2, 13-8.1-3, and 13-8.1-4 of the General Laws in
31 Chapter 13-8.1 entitled "Medical Parole" are hereby amended to read as follows:

32 **13-8.1-1. Short title.**

33 This chapter shall be known as the "Medical [and Geriatric](#) Parole Act".

34 **13-8.1-2. Purpose.**

1 (a) Medical parole is made available for humanitarian reasons and to alleviate exorbitant
2 medical expenses associated with inmates whose chronic and incurable illness render their
3 incarceration non-punitive and non-rehabilitative. Notwithstanding other statutory or
4 administrative provisions to the contrary, all prisoners except those serving life without parole shall
5 at any time after they begin serving their sentences be eligible for medical parole consideration,
6 regardless of the crime committed or the sentence imposed.

7 (b) Geriatric parole is made available for humanitarian reasons and to alleviate exorbitant
8 expenses associated with the cost of aging, for inmates whose advanced age reduces the risk that
9 they pose to the public safety. Notwithstanding other statutory or administrative provisions to the
10 contrary, all prisoners except those serving life without parole shall be eligible for geriatric parole
11 consideration upon meeting the criteria set forth below, regardless of the crime committed or the
12 sentence imposed.

13 **13-8.1-3. Definitions.**

14 (a) "Permanently physically incapacitated" means suffering from a physical condition
15 caused by injury, disease, illness, ~~or cognitive insult such as dementia~~ or persistent vegetative state,
16 which, to a reasonable degree of medical certainty, permanently and irreversibly physically
17 incapacitates the individual to the extent that the individual needs help with most of the activities
18 that are necessary for independence such as feeding, toileting, dressing, and bathing and
19 transferring, or no significant physical activity is possible, ~~and the individual is confined to bed or~~
20 ~~a wheelchair~~ or suffering from an incurable, progressive condition that substantially diminishes the
21 individual's capacity to function in a correctional setting.

22 (b) "Cognitively incapacitated" means suffering from a cognitive condition such as
23 dementia which greatly impairs activities that are necessary for independence such as feeding,
24 toileting, dressing, and bathing and renders their incarceration non-punitive and non-rehabilitative.

25 ~~(b)-(c)~~ (c) "Terminally ill" means suffering from a condition caused by injury (except self-
26 inflicted injury), disease, or illness which, to a reasonable degree of medical certainty, is a life-
27 limiting diagnosis that will lead to profound functional, cognitive and/or physical decline, and
28 likely will result in death within eighteen (18) months.

29 ~~(c)-(d)~~ (d) "Severely ill" means suffering from a significant and permanent or chronic physical
30 and/or mental condition that: (1) Requires extensive medical and/or psychiatric treatment with little
31 to no possibility of recovery; and (2) ~~Precludes significant~~ Significantly impairs rehabilitation from
32 further incarceration.

33 (e) "Aging prisoner" means an individual who is sixty-five (65) years of age or older and
34 suffers from functional impairment, infirmity, or illness.

1 13-8.1-4. Procedure.

2 (a) The parole board is authorized to grant medical parole release of a prisoner, except a
3 prisoner serving life without parole, at any time, who is determined to be terminally ill, severely
4 ill, or permanently physically or cognitively incapacitated within the meaning of § 13-8.1-3(a) -
5 ~~(d). Inmates who are severely ill will only be considered for such release when their treatment~~
6 ~~causes the state to incur exorbitant expenses as a result of continued and frequent medical treatment~~
7 ~~during their incarceration, as determined by the office of financial resources of the department of~~
8 ~~corrections.~~

9 (b) The parole board is authorized to grant geriatric parole release of a prisoner, except a
10 prisoner serving life without parole, who is an aging prisoner within the meaning of § 13-8.1-3(e)
11 or under medical parole as outlined by § 13-8.1-2.

12 ~~(b)~~ (c) In order to apply for this relief, the prisoner or his or her family member or friend,
13 with an attending physician's written approval, or an attending physician, on behalf of the prisoner,
14 shall file an application with the director of the department of corrections. Within seventy-two (72)
15 hours after the filing of any application, the director shall refer the application to the health service
16 unit of the department of corrections for a medical report and a medical or geriatric discharge plan
17 to be completed within ten (10) days. Upon receipt of the ~~medical~~ discharge plan, the director of
18 the department of corrections shall immediately transfer the ~~medical~~ discharge plan, together with
19 the application, to the parole board for its consideration and decision.

20 ~~(c)~~ (d) The report shall contain, at a minimum, the following information:

- 21 (1) Diagnosis of the prisoner's medical conditions, including related medical history;
22 (2) Detailed description of the conditions and treatments;
23 (3) Prognosis, including life expectancy, likelihood of recovery, likelihood of
24 improvement, mobility and trajectory and rate of debilitation;
25 (4) Degree of incapacity or disability, including an assessment of whether the prisoner is
26 ambulatory, capable of engaging in any substantial physical activity, ability to independently
27 provide for their daily life activities, and the extent of that activity;
28 (5) An opinion from the medical director as to whether the person is terminally ill, and if
29 so, the stage of the illness, or whether the person is permanently physically or cognitively
30 incapacitated, ~~or~~ severely ill, or an aging prisoner. If the medical director's opinion is that the person
31 is not terminally ill, permanently, physically or cognitively incapacitated, ~~or~~ severely ill, or an aging
32 prisoner as defined in § 13-8.1-3, the petition for medical or geriatric parole shall not be forwarded
33 to the parole board.

1 ~~(6) In the case of a severely ill inmate, the report shall also contain a determination from~~
2 ~~the office of financial resources that the inmate's illness causes the state to incur exorbitant expenses~~
3 ~~as a result of continued and frequent medical treatment during incarceration.~~

4 ~~(4)~~(e) When the director of corrections refers a prisoner to the parole board for medical or
5 geriatric parole, the director shall provide to the parole board a medical or geriatric discharge plan
6 that is acceptable to the parole board.

7 ~~(e)~~ (f) The department of corrections and the parole board shall jointly develop standards
8 for the medical or geriatric discharge plan that are appropriately adapted to the criminal justice
9 setting. The discharge plan should ensure at the minimum that:

10 (1) An appropriate placement for the prisoner has been secured, including, but not limited
11 to: a hospital, nursing facility, hospice, or family home;

12 (2) A referral has been made for the prisoner to secure a source for payment of the prisoner's
13 medical expenses;

14 (3) A parole officer has been assigned to periodically obtain updates on the prisoner's
15 medical condition to report back to the board.

16 ~~(4)~~(g) If the parole board finds from the credible medical evidence that the prisoner is
17 terminally ill, permanently physically or cognitively incapacitated, ~~or~~ severely ill, or an aging
18 prisoner, the board shall grant release to the prisoner but only after the board also considers whether,
19 in light of the prisoner's medical condition, there is a reasonable probability that the prisoner, if
20 released, will live and remain at liberty without violating the law, and that the release is compatible
21 with the welfare of society and will not so depreciate the seriousness of the crime as to undermine
22 respect for the law. Notwithstanding any other provision of law, medical or geriatric release may
23 be granted an any time during the term of a prisoner's sentence.

24 ~~(5)~~(h) There shall be a presumption that the opinion of the physician and/or medical
25 director will be accepted. However, the applicant, the physician, the director, or the parole board
26 may request an independent medical evaluation within seven (7) days after the physician's and/or
27 medical director's report is presented. The evaluation shall be completed and a report, containing
28 the information required by subsection ~~(b)~~(c) of this section, filed with the director and the parole
29 board, and a copy sent to the applicant within fourteen (14) days from the date of the request.

30 ~~(6)~~(i) Within seven (7) days of receiving the application, the medical or geriatric report and
31 the discharge plan, the parole board shall determine whether the application, on its face,
32 demonstrates that relief may be warranted. If the face of the application clearly demonstrates that
33 relief is unwarranted, the board may deny the application without a hearing or further proceedings,
34 and within seven (7) days shall notify the prisoner in writing of its decision to deny the application,

1 setting forth its factual findings and a brief statement of the reasons for denying release without a
2 hearing. Denial of release does not preclude the prisoner from reapplying for medical [or geriatric](#)
3 parole after the expiration of sixty (60) days. A reapplication under this section must demonstrate
4 a material change in circumstances.

5 ~~(j)~~(i) Upon receipt of the application from the director of the department of corrections
6 the parole board shall, except as provided in subsection ~~(j)~~(i) of this section, set the case for a
7 hearing within thirty (30) days;

8 (2) Notice of the hearing shall be sent to the prosecutor and the victim(s), if any, of the
9 offense(s) for which the prisoner is incarcerated, and the prosecutor and the victim(s) shall have
10 the right to be heard at the hearing, or in writing, or both;

11 (3) At the hearing, the prisoner shall be entitled to be represented by an attorney or by the
12 public defender if qualified or other representative.

13 ~~(k)~~ Within seven (7) days of the hearing, the parole board shall issue a written decision
14 granting or denying medical [or geriatric](#) parole and explaining the reasons for the decision. If the
15 board determines that medical [or geriatric](#) parole is warranted, it shall impose conditions of release,
16 that shall include the following:

17 (1) Periodic medical examinations;

18 (2) Periodic reporting to a parole officer, and the reporting interval;

19 (3) Any other terms or conditions that the board deems necessary; and

20 (4) In the case of a prisoner who is medically paroled due to being severely ill, the parole
21 board shall require electronic monitoring as a condition of the medical parole, unless the health
22 care plan mandates placement in a medical facility that cannot accommodate the electronic
23 monitoring.

24 ~~(l)~~ If after release the releasee's condition or circumstances change so that he or she
25 would not then be eligible for medical [or geriatric](#) parole, the parole board may order him or her
26 returned to custody to await a hearing to determine whether his or her release should be revoked.
27 A release may also be revoked for violation of conditions otherwise applicable to parole.

28 ~~(m)~~ An annual report shall be prepared by the director of corrections for the parole board
29 and the general assembly. The report shall include:

30 (1) The number of inmates who have applied for medical [or geriatric](#) parole;

31 (2) The number [of inmates](#) who have been granted medical [or geriatric](#) parole;

32 (3) The nature of the illness, [cognitive condition, functional impairment, and/or infirmity](#)
33 of the applicants, and the nature of the placement pursuant to the ~~medical~~ discharge plan;

34 (4) The categories of reasons for denial for those who have been denied;

1 (5) The number of releasees on medical or geriatric parole who have been returned to the
2 custody of the department of corrections and the reasons for return.

3 (6) The number of inmates who meet the statutory definition of "aging prisoner" and would
4 be potentially-eligible for geriatric parole.

5 (n) An annual educational seminar will be offered by the department of corrections
6 healthcare services unit to the parole board and community stakeholders on aging and infirmity in
7 prison and special considerations that should be applied to aging prisoners and prisoners with
8 severe or terminal illnesses during parole consideration.

9 SECTION 5. Section 40-5.2-8, 40-5.2-10, 40-5.2-20 and 40-5.2-33 of the General Laws in
10 Chapter 40-5.2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

11 **40-5.2-8. Definitions.**

12 As used in this chapter, the following terms having the meanings set forth herein, unless
13 the context in which such terms are used clearly indicates to the contrary:

14 (1) "Applicant" means a person who has filed a written application for assistance for
15 herself/himself and her/his dependent child(ren). An applicant may be a parent or non-parent
16 caretaker relative.

17 (2) "Assistance" means cash and any other benefits provided pursuant to this chapter.

18 (3) "Assistance unit" means the assistance-filing unit consisting of the group of persons,
19 including the dependent child(ren), living together in a single household who must be included in
20 the application for assistance and in the assistance payment if eligibility is established. An
21 assistance unit may be the same as a family.

22 (4) "Benefits" shall mean assistance received pursuant to this chapter.

23 (5) "Community service programs" means structured programs and activities in which cash
24 assistance recipients perform work for the direct benefit of the community under the auspices of
25 public or nonprofit organizations. Community service programs are designed to improve the
26 employability of recipients not otherwise able to obtain paid employment.

27 (6) "Department" means the department of human services.

28 (7) "Dependent child" means an individual, other than an individual with respect to whom
29 foster care maintenance payments are made, who is: (A) under the age of eighteen (18); or (B)
30 under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent
31 level of vocational or educational training), ~~if before he or she attains age nineteen (19), he or she~~
32 ~~may reasonably be expected to complete the program of such secondary school (or such training).~~

33 (8) "Director" means the director of the department of human services.

1 (9) "Earned income" means income in cash or the equivalent received by a person through
2 the receipt of wages, salary, commissions, or profit from activities in which the person is self-
3 employed or as an employee and before any deductions for taxes.

4 (10) "Earned income tax credit" means the credit against federal personal income tax
5 liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section,
6 the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26
7 U.S.C. § 3507 [repealed], or any successor section and any refund received as a result of the earned
8 income tax credit, as well as any refundable state earned income tax credit.

9 (11) "Education directly related to employment" means education, in the case of a
10 participant who has not received a high school diploma or a certificate of high school equivalency,
11 related to a specific occupation, job, or job offer.

12 (12) "Family" means: (A) a pregnant woman from and including the seventh month of her
13 pregnancy; or (B) a child and the following eligible persons living in the same household as the
14 child: (C) each biological, adoptive or stepparent of the child, or in the absence of a parent, any
15 adult relative who is responsible, in fact, for the care of such child; and (D) the child's minor siblings
16 (whether of the whole or half blood); provided, however, that the term "family" shall not include
17 any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.
18 A family may be the same as the assistance unit.

19 (13) "Gross earnings" means earnings from employment and self-employment further
20 described in the department of human services rules and regulations.

21 (14) "Individual employment plan" means a written, individualized plan for employment
22 developed jointly by the applicant and the department of human services that specifies the steps the
23 participant shall take toward long-term economic independence developed in accordance with §
24 40-5.2-10(e). A participant must comply with the terms of the individual employment plan as a
25 condition of eligibility in accordance with § 40-5.2-10(e).

26 (15) "Job search and job readiness" means the mandatory act of seeking or obtaining
27 employment by the participant, or the preparation to seek or obtain employment.

28 In accord with federal requirements, job search activities must be supervised by the
29 department of labor and training and must be reported to the department of human services in
30 accordance with TANF work verification requirements.

31 Except in the context of rehabilitation employment plans, and special services provided by
32 the department of children, youth and families, job-search and job-readiness activities are limited
33 to four (4) consecutive weeks, or for a total of six (6) weeks in a twelve-month (12) period, with
34 limited exceptions as defined by the department. The department of human services, in consultation

1 with the department of labor and training, shall extend job-search, and job-readiness assistance for
2 up to twelve (12) weeks in a fiscal year if a state has an unemployment rate at least fifty percent
3 (50%) greater than the United States unemployment rate if the state meets the definition of a "needy
4 state" under the contingency fund provisions of federal law.

5 Preparation to seek employment, or job readiness, may include, but may not be limited to,
6 the participant obtaining life-skills training, homelessness services, domestic violence services,
7 special services for families provided by the department of children youth and families, substance
8 abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who
9 are otherwise employable. The services, treatment, or therapy must be determined to be necessary
10 and certified by a qualified medical or mental health professional. Intensive work-readiness
11 services may include work-based literacy, numeracy, hands-on training, work experience, and case
12 management services. Nothing in this section shall be interpreted to mean that the department of
13 labor and training shall be the sole provider of job-readiness activities described herein.

14 (16) "Job skills training directly related to employment" means training or education for
15 job skills required by an employer to provide an individual with the ability to obtain employment
16 or to advance or adapt to the changing demands of the workplace. Job skills training directly related
17 to employment must be supervised on an ongoing basis.

18 (17) "Minor parent" means a parent under the age of eighteen (18). A minor parent may be
19 an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of
20 an assistance unit with his or her dependent child(ren) in a case established by the minor parent's
21 parent.

22 (18) "Net income" means the total gross income of the assistance unit less allowable
23 disregards and deductions as described in § 40-5.2-10(g).

24 (19) "On-the-job-training" means training in the public or private sector that is given to a
25 paid employee while he or she is engaged in productive work and that provides knowledge and
26 skills essential to the full and adequate performance of the job. On-the-job training must be
27 supervised by an employer, work-site sponsor, or other designee of the department of human
28 services on an ongoing basis.

29 (20) "Participant" means a person who has been found eligible for assistance in accordance
30 with this chapter and who must comply with all requirements of this chapter, and has entered into
31 an individual employment plan. A participant may be a parent or non-parent caretaker relative
32 included in the cash assistance payment.

33 (21) "Recipient" means a person who has been found eligible and receives cash assistance
34 in accordance with this chapter.

1 (22) "Relative" means a parent, stepparent, grandparent, great grandparent, great-great
2 grandparent, aunt, great-aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother,
3 stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great-
4 niece, great-great niece, nephew, great-nephew, or great-great nephew.

5 (23) "Resident" means a person who maintains residence by his or her continuous physical
6 presence in the state.

7 (24) "Self-employment income" means the total profit from a business enterprise, farming,
8 etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses
9 directly related to producing the goods or services and without which the goods or services could
10 not be produced. However, items such as depreciation, personal business and entertainment
11 expenses, and personal transportation are not considered business expenses for the purposes of
12 determining eligibility for cash assistance in accordance with this chapter.

13 (25) "State" means the State of Rhode Island ~~and Providence Plantations~~.

14 (26) "Subsidized employment" means employment in the private or public sectors for
15 which the employer receives a subsidy from TANF or other public funds to offset some or all of
16 the wages and costs of employing a recipient. It includes work in which all or a portion of the wages
17 paid to the recipient are provided to the employer either as a reimbursement for the extra costs of
18 training or as an incentive to hire the recipient, including, but not limited to, grant diversion.

19 (27) "Subsidized housing" means housing for a family whose rent is restricted to a
20 percentage of its income.

21 (28) "Unsubsidized employment" means full- or part-time employment in the public or
22 private sector that is not subsidized by TANF or any other public program.

23 (29) "Vocational educational training" means organized educational programs, not to
24 exceed twelve (12) months with respect to any participant, that are directly related to the preparation
25 of participants for employment in current or emerging occupations. Vocational educational training
26 must be supervised.

27 (30) "Work activities" mean the specific work requirements that must be defined in the
28 individual employment plan and must be complied with by the participant as a condition of
29 eligibility for the receipt of cash assistance for single and two-family (2) households outlined in §
30 40-5.2-12 of this chapter.

31 (31) "Work experience" means a work activity that provides a participant with an
32 opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain
33 employment. The purpose of work experience is to improve the employability of those who cannot

1 find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee
2 of the department must supervise this activity.

3 (32) "Work supplementation," also known as "grant diversion," means the use of all or a
4 portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an
5 employer. The supplement shall be limited to a maximum period of twelve (12) months. An
6 employer must agree to continue the employment of the participant as part of the regular work
7 force, beyond the supplement period, if the participant demonstrates satisfactory performance.

8 **40-5.2-10. Necessary requirements and conditions.**

9 The following requirements and conditions shall be necessary to establish eligibility for
10 the program.

11 (a) *Citizenship, alienage, and residency requirements.*

12 (1) A person shall be a resident of the State of Rhode Island.

13 (2) Effective October 1, 2008, a person shall be a United States citizen, or shall meet the
14 alienage requirements established in § 402(b) of the Personal Responsibility and Work Opportunity
15 Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section may hereafter
16 be amended [8 U.S.C. § 1612]; a person who is not a United States citizen and does not meet the
17 alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in
18 accordance with this chapter.

19 (b) The family/assistance unit must meet any other requirements established by the
20 department of human services by rules and regulations adopted pursuant to the Administrative
21 Procedures Act, as necessary to promote the purpose and goals of this chapter.

22 (c) Receipt of cash assistance is conditional upon compliance with all program
23 requirements.

24 (d) All individuals domiciled in this state shall be exempt from the application of
25 subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work
26 Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any
27 individual ineligible for certain state and federal assistance if that individual has been convicted
28 under federal or state law of any offense that is classified as a felony by the law of the jurisdiction
29 and that has as an element the possession, use, or distribution of a controlled substance as defined
30 in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

31 (e) *Individual employment plan as a condition of eligibility.*

32 (1) Following receipt of an application, the department of human services shall assess the
33 financial conditions of the family, including the non-parent caretaker relative who is applying for
34 cash assistance for himself or herself as well as for the minor child(ren), in the context of an

1 eligibility determination. If a parent or non-parent caretaker relative is unemployed or under-
2 employed, the department shall conduct an initial assessment, taking into account: (A) The physical
3 capacity, skills, education, work experience, health, safety, family responsibilities and place of
4 residence of the individual; and (B) The child care and supportive services required by the applicant
5 to avail himself or herself of employment opportunities and/or work readiness programs.

6 (2) On the basis of this assessment, the department of human services and the department
7 of labor and training, as appropriate, in consultation with the applicant, shall develop an individual
8 employment plan for the family which requires the individual to participate in the intensive
9 employment services. Intensive employment services shall be defined as the work requirement
10 activities in § 40-5.2-12(g) and (i).

11 (3) The director, or his or her designee, may assign a case manager to an
12 applicant/participant, as appropriate.

13 (4) The department of labor and training and the department of human services in
14 conjunction with the participant shall develop a revised individual employment plan that shall
15 identify employment objectives, taking into consideration factors above, and shall include a
16 strategy for immediate employment and for preparing for, finding, and retaining employment
17 consistent, to the extent practicable, with the individual's career objectives.

18 (5) The individual employment plan must include the provision for the participant to
19 engage in work requirements as outlined in § 40-5.2-12.

20 (6)(i) The participant shall attend and participate immediately in intensive assessment and
21 employment services as the first step in the individual employment plan, unless temporarily exempt
22 from this requirement in accordance with this chapter. Intensive assessment and employment
23 services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

24 (ii) Parents under age twenty (20) without a high school diploma or general equivalency
25 diploma (GED) shall be referred to special teen parent programs which will provide intensive
26 services designed to assist teen parents to complete high school education or GED, and to continue
27 approved work plan activities in accord with Rhode Island works program requirements.

28 (7) The applicant shall become a participant in accordance with this chapter at the time the
29 individual employment plan is signed and entered into.

30 (8) Applicants and participants of the Rhode Island works program shall agree to comply
31 with the terms of the individual employment plan, and shall cooperate fully with the steps
32 established in the individual employment plan, including the work requirements.

33 (9) The department of human services has the authority under the chapter to require
34 attendance by the applicant/participant, either at the department of human services or at the

1 department of labor and training, at appointments deemed necessary for the purpose of having the
2 applicant enter into and become eligible for assistance through the Rhode Island works program.
3 The appointments include, but are not limited to, the initial interview, orientation and assessment;
4 job readiness and job search. Attendance is required as a condition of eligibility for cash assistance
5 in accordance with rules and regulations established by the department.

6 (10) As a condition of eligibility for assistance pursuant to this chapter, the
7 applicant/participant shall be obligated to keep appointments, attend orientation meetings at the
8 department of human services and/or the Rhode Island department of labor and training; participate
9 in any initial assessments or appraisals; and comply with all the terms of the individual employment
10 plan in accordance with department of human services rules and regulations.

11 (11) A participant, including a parent or non-parent caretaker relative included in the cash
12 assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause as
13 defined in this chapter or the department's rules and regulations.

14 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in
15 § 40-5.2-12(1), while receiving cash assistance in accordance with this chapter, shall be sanctioned
16 in accordance with rules and regulations promulgated by the department.

17 (f) *Resources.*

18 (1) The family or assistance unit's countable resources shall be less than the allowable
19 resource limit established by the department in accordance with this chapter.

20 (2) No family or assistance unit shall be eligible for assistance payments if the combined
21 value of its available resources (reduced by any obligations or debts with respect to such resources)
22 exceeds one thousand dollars (\$1,000).

23 (3) For purposes of this subsection, the following shall not be counted as resources of the
24 family/assistance unit in the determination of eligibility for the works program:

25 (i) The home owned and occupied by a child, parent, relative or other individual;

26 (ii) Real property owned by a husband and wife as tenants by the entirety, if the property
27 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
28 the property;

29 (iii) Real property that the family is making a good faith effort to dispose of, however, any
30 cash assistance payable to the family for any such period shall be conditioned upon such disposal
31 of the real property within six (6) months of the date of application and any payments of assistance
32 for that period shall (at the time of disposal) be considered overpayments to the extent that they
33 would not have occurred at the beginning of the period for which the payments were made. All
34 overpayments are debts subject to recovery in accordance with the provisions of the chapter;

1 (iv) Income-producing property other than real estate including, but not limited to,
2 equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or
3 services that the department determines are necessary for the family to earn a living;

4 (v) One vehicle for each adult household member, but not to exceed two (2) vehicles per
5 household, and in addition, a vehicle used primarily for income producing purposes such as, but
6 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle that annually
7 produces income consistent with its fair market value, even if only used on a seasonal basis; a
8 vehicle necessary to transport a family member with a disability where the vehicle is specially
9 equipped to meet the specific needs of the person with a disability or if the vehicle is a special type
10 of vehicle that makes it possible to transport the person with a disability;

11 (vi) Household furnishings and appliances, clothing, personal effects, and keepsakes of
12 limited value;

13 (vii) Burial plots (one for each child, relative, and other individual in the assistance unit)
14 and funeral arrangements;

15 (viii) For the month of receipt and the following month, any refund of federal income taxes
16 made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating
17 to earned income tax credit), and any payment made to the family by an employer under § 3507 of
18 the Internal Revenue Code of 1986, 26 U.S.C. § 3507 [repealed] (relating to advance payment of
19 such earned income credit);

20 (ix) The resources of any family member receiving supplementary security income
21 assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

22 (g) *Income.*

23 (1) Except as otherwise provided for herein, in determining eligibility for and the amount
24 of cash assistance to which a family is entitled under this chapter, the income of a family includes
25 all of the money, goods, and services received or actually available to any member of the family.

26 (2) In determining the eligibility for and the amount of cash assistance to which a
27 family/assistance unit is entitled under this chapter, income in any month shall not include the first
28 one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross earnings
29 of the family in excess of one hundred seventy dollars (\$170) earned during the month.

30 (3) The income of a family shall not include:

31 (i) The first fifty dollars (\$50.00) in child support received in any month from each non-
32 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars
33 (\$50.00) per month multiplied by the number of months in which the support has been in arrears)
34 that are paid in any month by a non-custodial parent of a child;

- 1 (ii) Earned income of any child;
- 2 (iii) Income received by a family member who is receiving supplemental security income
3 (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;
- 4 (iv) The value of assistance provided by state or federal government or private agencies to
5 meet nutritional needs, including: value of USDA donated foods; value of supplemental food
6 assistance received under the Child Nutrition Act of 1966, as amended and the special food service
7 program for children under Title VII, nutrition program for the elderly, of the Older Americans Act
8 of 1965 as amended, and the value of food stamps;
- 9 (v) Value of certain assistance provided to undergraduate students, including any grant or
10 loan for an undergraduate student for educational purposes made or insured under any loan program
11 administered by the United States Commissioner of Education (or the Rhode Island council on
12 postsecondary education or the Rhode Island division of higher education assistance);
- 13 (vi) Foster care payments;
- 14 (vii) Home energy assistance funded by state or federal government or by a nonprofit
15 organization;
- 16 (viii) Payments for supportive services or reimbursement of out-of-pocket expenses made
17 to foster grandparents, senior health aides or senior companions and to persons serving in SCORE
18 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act
19 of 1973, 42 U.S.C. § 5000 et seq.;
- 20 (ix) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules
21 and regulations;
- 22 (x) Certain payments to native Americans; payments distributed per capita to, or held in
23 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,
24 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes
25 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,
26 1975;
- 27 (xi) Refund from the federal and state earned income tax credit;
- 28 (xii) The value of any state, local, or federal government rent or housing subsidy, provided
29 that this exclusion shall not limit the reduction in benefits provided for in the payment standard
30 section of this chapter.
- 31 (xiii) The earned income of any adult family member who gains employment while an
32 active RI Works household member. Such income is excluded for the first six (6) months of
33 employment in which the income is earned, or until the household's total gross income exceeds

1 one hundred and eighty five (185) percent of the federal poverty level, unless the household reaches
2 its forty-eight (48) month time limit first.

3 (4) The receipt of a lump sum of income shall affect participants for cash assistance in
4 accordance with rules and regulations promulgated by the department.

5 (h) *Time limit on the receipt of cash assistance.*

6 (1) On or after January 1, 2020, no cash assistance shall be provided, pursuant to this
7 chapter, to a family or assistance unit that includes an adult member who has received cash
8 assistance for a total of forty-eight (48) months (whether or not consecutive), to include any time
9 receiving any type of cash assistance in any other state or territory of the United States of America
10 as defined herein. Provided further, in no circumstances other than provided for in subsection (h)(3)
11 with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to
12 a family or assistance unit which includes an adult member who has received cash assistance for a
13 total of a lifetime limit of forty-eight (48) months.

14 (2) Cash benefits received by a minor dependent child shall not be counted toward their
15 lifetime time limit for receiving benefits under this chapter should that minor child apply for cash
16 benefits as an adult.

17 (3) Certain minor children not subject to time limit. This section regarding the lifetime time
18 limit for the receipt of cash assistance, shall not apply only in the instances of a minor child(ren)
19 living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult
20 non-parent caretaker relative who is not in the cash assistance payment.

21 (4) Receipt of family cash assistance in any other state or territory of the United States of
22 America shall be determined by the department of human services and shall include family cash
23 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds
24 [Title IV-A of the Federal Social Security Act 42 U.S.C. § 601 et seq.] and/or family cash assistance
25 provided under a program similar to the Rhode Island families work and opportunity program or
26 the federal TANF program.

27 (5)(i) The department of human services shall mail a notice to each assistance unit when
28 the assistance unit has six (6) months of cash assistance remaining and each month thereafter until
29 the time limit has expired. The notice must be developed by the department of human services and
30 must contain information about the lifetime time limit, the number of months the participant has
31 remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus,
32 and any other information pertinent to a family or an assistance unit nearing the forty-eight-month
33 (48) lifetime time limit.

1 (ii) For applicants who have less than six (6) months remaining in the forty-eight-month
2 (48) lifetime time limit because the family or assistance unit previously received cash assistance in
3 Rhode Island or in another state, the department shall notify the applicant of the number of months
4 remaining when the application is approved and begin the process required in subsection (h)(5)(i).

5 (6) If a cash assistance recipient family was closed pursuant to Rhode Island's Temporary
6 Assistance for Needy Families Program (federal TANF described in Title IV A of the Federal
7 Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family
8 independence program, more specifically under § 40-5.1-9(2)(c) [repealed], due to sanction
9 because of failure to comply with the cash assistance program requirements; and that recipient
10 family received forty-eight (48) months of cash benefits in accordance with the family
11 independence program, then that recipient family is not able to receive further cash assistance for
12 his/her family, under this chapter, except under hardship exceptions.

13 (7) The months of state or federally funded cash assistance received by a recipient family
14 since May 1, 1997, under Rhode Island's Temporary Assistance for Needy Families Program
15 (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. § 601 et seq.),
16 formerly entitled the Rhode Island family independence program, shall be countable toward the
17 time limited cash assistance described in this chapter.

18 (i) *Time limit on the receipt of cash assistance.*

19 (1) No cash assistance shall be provided, pursuant to this chapter, to a family assistance
20 unit in which an adult member has received cash assistance for a total of sixty (60) months (whether
21 or not consecutive) to include any time receiving any type of cash assistance in any other state or
22 territory of the United States as defined herein effective August 1, 2008. Provided further, that no
23 cash assistance shall be provided to a family in which an adult member has received assistance for
24 twenty-four (24) consecutive months unless the adult member has a rehabilitation employment plan
25 as provided in § 40-5.2-12(g)(5).

26 (2) Effective August 1, 2008, no cash assistance shall be provided pursuant to this chapter
27 to a family in which a child has received cash assistance for a total of sixty (60) months (whether
28 or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to
29 subdivision 40-5.2(a) (2) to include any time they received any type of cash assistance in any other
30 state or territory of the United States as defined herein.

31 (j) *Hardship exceptions.*

32 (1) The department may extend an assistance unit's or family's cash assistance beyond the
33 time limit, by reason of hardship; provided, however, that the number of families to be exempted
34 by the department with respect to their time limit under this subsection shall not exceed twenty

1 percent (20%) of the average monthly number of families to which assistance is provided for under
2 this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by
3 federal law, any waiver granted under § 40-5.2-35, for domestic violence, shall not be counted in
4 determining the twenty percent (20%) maximum under this section.

5 (2) Parents who receive extensions to the time limit due to hardship must have and comply
6 with employment plans designed to remove or ameliorate the conditions that warranted the
7 extension.

8 (k) *Parents under eighteen (18) years of age.*

9 (1) A family consisting of a parent who is under the age of eighteen (18), and who has
10 never been married, and who has a child; or a family consisting of a woman under the age of
11 eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if
12 the family resides in the home of an adult parent, legal guardian, or other adult relative. The
13 assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of
14 the individual and child unless otherwise authorized by the department.

15 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
16 legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the
17 department determines that the physical or emotional health or safety of the minor parent, or his or
18 her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same
19 residence as his or her parent, legal guardian, or other adult relative (refusal of a parent, legal
20 guardian or other adult relative to allow the minor parent or his or her child, or a pregnant minor,
21 to live in his or her home shall constitute a presumption that the health or safety would be so
22 jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or
23 legal guardian for a period of at least one year before either the birth of any child to a minor parent
24 or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental
25 regulations, for waiving the subsection; and the individual resides in a supervised supportive living
26 arrangement to the extent available.

27 (3) For purposes of this section, "supervised supportive-living arrangement" means an
28 arrangement that requires minor parents to enroll and make satisfactory progress in a program
29 leading to a high school diploma or a general education development certificate, and requires minor
30 parents to participate in the adolescent parenting program designated by the department, to the
31 extent the program is available; and provides rules and regulations that ensure regular adult
32 supervision.

1 (1) *Assignment and cooperation.* As a condition of eligibility for cash and medical
2 assistance under this chapter, each adult member, parent, or caretaker relative of the
3 family/assistance unit must:

4 (1) Assign to the state any rights to support for children within the family from any person
5 that the family member has at the time the assignment is executed or may have while receiving
6 assistance under this chapter;

7 (2) Consent to and cooperate with the state in establishing the paternity and in establishing
8 and/or enforcing child support and medical support orders for all children in the family or assistance
9 unit in accordance with title 15 of the general laws, as amended, unless the parent or caretaker
10 relative is found to have good cause for refusing to comply with the requirements of this subsection.

11 (3) Absent good cause, as defined by the department of human services through the rule-
12 making process, for refusing to comply with the requirements of (1)(1) and (1)(2), cash assistance
13 to the family shall be reduced by twenty-five percent (25%) until the adult member of the family
14 who has refused to comply with the requirements of this subsection consents to and cooperates with
15 the state in accordance with the requirements of this subsection.

16 (4) As a condition of eligibility for cash and medical assistance under this chapter, each
17 adult member, parent, or caretaker relative of the family/assistance unit must consent to and
18 cooperate with the state in identifying and providing information to assist the state in pursuing any
19 third-party who may be liable to pay for care and services under Title XIX of the Social Security
20 Act, 42 U.S.C. § 1396 et seq.

21 **40-5.2-20. Childcare assistance - Families or assistance units eligible.**

22 (a) The department shall provide appropriate child care to every participant who is eligible
23 for cash assistance and who requires child care in order to meet the work requirements in
24 accordance with this chapter.

25 (b) *Low-income child care.* The department shall provide child care to all other working
26 families with incomes at or below one hundred eighty percent (180%) of the federal poverty level
27 if, and to the extent, these other families require child care in order to work at paid employment as
28 defined in the department's rules and regulations. Beginning October 1, 2013, the department shall
29 also provide child care to families with incomes below one hundred eighty percent (180%) of the
30 federal poverty level if, and to the extent, these families require child care to participate on a short-
31 term basis, as defined in the department's rules and regulations, in training, apprenticeship,
32 internship, on-the-job training, work experience, work immersion, or other job-readiness/job-
33 attachment program sponsored or funded by the human resource investment council (governor's
34 workforce board) or state agencies that are part of the coordinated program system pursuant to §

1 42-102-11. Effective from January 1, 2021 through June 30, 2022, the department shall also
2 provide child care assistance to families with incomes below one hundred eighty percent (180%)
3 of the federal poverty level when such assistance is necessary for a member of these families to
4 enroll or maintain enrollment in a Rhode Island public institution of higher education provided that
5 eligibility to receive funding is capped when expenditures reach \$200,000 for this provision.

6 (c) No family/assistance unit shall be eligible for childcare assistance under this chapter if
7 the combined value of its liquid resources exceeds one million dollars (\$1,000,000), which
8 corresponds to the amount permitted by the federal government under the state plan and set forth
9 in the administrative rulemaking process by the department. Liquid resources are defined as any
10 interest(s) in property in the form of cash or other financial instruments or accounts that are readily
11 convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit
12 union, or other financial institution savings, checking, and money market accounts; certificates of
13 deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments
14 or accounts. These do not include educational savings accounts, plans, or programs; retirement
15 accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.
16 The department is authorized to promulgate rules and regulations to determine the ownership and
17 source of the funds in the joint account.

18 (d) As a condition of eligibility for childcare assistance under this chapter, the parent or
19 caretaker relative of the family must consent to, and must cooperate with, the department in
20 establishing paternity, and in establishing and/or enforcing child support and medical support
21 orders for any children in the family receiving appropriate child care under this section in
22 accordance with the applicable sections of title 15 of the state's general laws, as amended, unless
23 the parent or caretaker relative is found to have good cause for refusing to comply with the
24 requirements of this subsection.

25 (e) For purposes of this section, "appropriate child care" means child care, including infant,
26 toddler, pre-school, nursery school, and school-age, that is provided by a person or organization
27 qualified, approved, and authorized to provide the care by the state agency or agencies designated
28 to make the determinations in accordance with the provisions set forth herein.

29 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal
30 poverty level guidelines shall be provided with free child care. Families with incomes greater than
31 one hundred percent (100%) and less than one hundred eighty percent (180%) of the applicable
32 federal poverty guideline shall be required to pay for some portion of the child care they receive,
33 according to a sliding-fee scale adopted by the department in the department's rules.

1 (2) Families who are receiving childcare assistance and who become ineligible for
2 childcare assistance as a result of their incomes exceeding one hundred eighty percent (180%) of
3 the applicable federal poverty guidelines shall continue to be eligible for childcare assistance until
4 their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty
5 guidelines. To be eligible, the families must continue to pay for some portion of the child care they
6 receive, as indicated in a sliding-fee scale adopted in the department's rules and in accordance with
7 all other eligibility standards.

8 (g) In determining the type of child care to be provided to a family, the department shall
9 take into account the cost of available childcare options; the suitability of the type of care available
10 for the child; and the parent's preference as to the type of child care.

11 (h) For purposes of this section, "income" for families receiving cash assistance under §
12 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in
13 §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and
14 unearned income as determined by departmental regulations.

15 (i) The caseload estimating conference established by chapter 17 of title 35 shall forecast
16 the expenditures for child care in accordance with the provisions of § 35-17-1.

17 (j) In determining eligibility for childcare assistance for children of members of reserve
18 components called to active duty during a time of conflict, the department shall freeze the family
19 composition and the family income of the reserve component member as it was in the month prior
20 to the month of leaving for active duty. This shall continue until the individual is officially
21 discharged from active duty.

22 **40-5.2-33. School-age children.**

23 ~~Subject to general assembly appropriation, one~~ One month each year, each ~~dependent~~
24 ~~school age~~ child ~~as defined by the department of human services~~ who lives in a family receiving
25 cash assistance under this chapter in that month shall be given a supplementary payment of no less
26 than one hundred dollars (\$100) for the purchase of clothing in accordance with Title IV-A of the
27 Social Security Act, 42 U.S.C. § 601 et seq.

28 SECTION 6. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled "Child
29 Care – State Subsidies" is hereby amended to read as follows:

30 **40-6.2-1.1. Rates Established.**

31 (a) Through June 30, ~~2015-2022,~~ ~~subject to the payment limitations in subsection (e),~~ the
32 minimum base reimbursement rates paid to licensed childcare centers for the childcare of
33 infant/toddlers, preschool aged, and school aged children by the departments of human services,
34 and children, youth and families is based on the schedule of the 25th percentile of the 2018 weekly

1 market rates as set forth in the chart herein. In addition, the maximum rates paid to these centers
 2 by both departments for childcare for infant/toddler and preschool aged children is implemented in
 3 a tiered manner that reflects the quality rating a center has achieved in accordance with the system
 4 established in § 42-12-23.1, and is based on the 75th percentile of the 2018 weekly market rates, as
 5 is also indicated in said chart below: ~~the maximum reimbursement rates to be paid by the~~
 6 ~~departments of human services and children, youth and families for licensed childcare centers and~~
 7 ~~licensed family childcare providers shall be based on the following schedule of the 75th percentile~~
 8 ~~of the 2002 weekly market rates adjusted for the average of the 75th percentile of the 2002 and the~~
 9 ~~2004 weekly market rates:~~

<u>Licensed Childcare</u>	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>	<u>Tier 4</u>	<u>Tier 5</u>
<u>Centers</u>	<u>25th</u>				<u>75th</u>
	<u>Percentile*</u>				<u>Percentile*</u>
<u>Infant/Toddler</u>	<u>\$222.38</u>	<u>\$227.65</u>	<u>\$239.96</u>	<u>\$248.75</u>	<u>\$257.54</u>
<u>Pre-School Age</u>	<u>\$187.50</u>	<u>\$193.88</u>	<u>\$208.76</u>	<u>\$219.38</u>	<u>\$230.00</u>

15 *Percentile of Weekly Market Rate Based on 2018 Survey

LICENSED CHILDCARE CENTERS	75th PERCENTILE OF WEEKLY
INFANT	MARKET RATE
PRESCHOOL	\$182.00
SCHOOL AGE	\$150.00
LICENSED FAMILYCHILDCARE	75th PERCENTILE OF WEEKLY
CHILDCARE PROVIDERS	MARKET RATE
INFANT	\$150.00
PRESCHOOL	\$150.00
SCHOOL AGE	\$135.00

26 The weekly reimbursement rate for childcare provided to school age children by licensed
 27 childcare centers is \$148.50.

28 The minimum based reimbursement rates for licensed family childcare providers paid by
 29 the departments of human services, and children, youth, and families is determined through
 30 collective bargaining. The maximum reimbursement rates for infant/toddler and preschool age
 31 children paid to licensed family childcare providers by both departments is implemented in a tiered
 32 manner that reflects the quality rating the provider has achieved in accordance with § 42-12-23.1.

33 ~~Effective July 1, 2015, subject to the payment limitations in subsection (c), the maximum~~
 34 ~~reimbursement rates to be paid by the departments of human services and children, youth and~~

1 ~~families for licensed childcare centers and licensed family childcare providers shall be based on~~
2 ~~the above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average~~
3 ~~of the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased~~
4 ~~by ten dollars (\$10.00) per week for infant/toddler care provided by licensed family childcare~~
5 ~~providers and license exempt providers and then the rates for all providers for all age groups shall~~
6 ~~be increased by three percent (3%). For the fiscal year ending June 30, 2018, licensed childcare~~
7 ~~centers shall be reimbursed a maximum weekly rate of one hundred ninety three dollars and sixty~~
8 ~~four cents (\$193.64) for infant/toddler care and one hundred sixty one dollars and seventy one~~
9 ~~cents (\$161.71) for preschool age children.~~

10 ~~(b) Effective July 1, 2018, subject to the payment limitations in subsection (c), the~~
11 ~~maximum infant/toddler and preschool age reimbursement rates to be paid by the departments of~~
12 ~~human services and children, youth and families for licensed childcare centers shall be~~
13 ~~implemented in a tiered manner, reflective of the quality rating the provider has achieved within~~
14 ~~the state's quality rating system outlined in § 42-12-23.1.~~

15 ~~(1) For infant/toddler childcare, tier one shall be reimbursed two and one half percent~~
16 ~~(2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above~~
17 ~~the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY~~
18 ~~2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly~~
19 ~~amount, and tier five shall be reimbursed thirty three percent (33%) above the FY 2018 weekly~~
20 ~~amount.~~

21 ~~(2) For preschool reimbursement rates, tier one shall be reimbursed two and one half~~
22 ~~(2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%)~~
23 ~~above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY~~
24 ~~2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018~~
25 ~~weekly amount, and tier five shall be reimbursed twenty one percent (21%) above the FY 2018~~
26 ~~weekly amount.~~

27 ~~(c) [Deleted by P.L. 2019, ch. 88, art. 13, § 4].~~

28 ~~(d) By June 30, 2004, and biennially through June 30, 2014, the department of labor and~~
29 ~~training shall conduct an independent survey or certify an independent survey of the then current~~
30 ~~weekly market rates for childcare in Rhode Island and shall forward such weekly market rate survey~~
31 ~~to the department of human services. The next survey shall be conducted by June 30, 2016, and~~
32 ~~triennially thereafter. The departments of human services and labor and training will jointly~~
33 ~~determine the survey criteria including, but not limited to, rate categories and sub categories.~~

1 ~~(e) In order to expand the accessibility and availability of quality childcare, the department~~
2 ~~of human services is authorized to establish by regulation alternative or incentive rates of~~
3 ~~reimbursement for quality enhancements, innovative or specialized childcare and alternative~~
4 ~~methodologies of childcare delivery, including non-traditional delivery systems and collaborations.~~

5 ~~(f) Effective January 1, 2007, all childcare providers have the option to be paid every two~~
6 ~~(2) weeks and have the option of automatic direct deposit and/or electronic funds transfer of~~
7 ~~reimbursement payments.~~

8 ~~(g) Effective July 1, 2019, the maximum infant/toddler reimbursement rates to be paid by~~
9 ~~the departments of human services and children, youth and families for licensed family childcare~~
10 ~~providers shall be implemented in a tiered manner, reflective of the quality rating the provider has~~
11 ~~achieved within the state's quality rating system outlined in § 42-12-23.1. Tier one shall be~~
12 ~~reimbursed two percent (2%) above the prevailing base rate for step 1 and step 2 providers, three~~
13 ~~percent (3%) above prevailing base rate for step 3 providers, and four percent (4%) above the~~
14 ~~prevailing base rate for step 4 providers; tier two shall be reimbursed five percent (5%) above the~~
15 ~~prevailing base rate; tier three shall be reimbursed eleven percent (11%) above the prevailing base~~
16 ~~rate; tier four shall be reimbursed fourteen percent (14%) above the prevailing base rate; and tier~~
17 ~~five shall be reimbursed twenty-three percent (23%) above the prevailing base rate.~~

18 SECTION 7. Section 42-56-20.2, 42-56-24 and 42-56-38 of the General Laws in Chapter
19 42-56 entitled "Corrections Department" are hereby amended to read as follows:

20 **42-56-20.2. Community confinement.**

21 (a) *Persons subject to this section.* Every person who shall have been adjudged guilty of
22 any crime after trial before a judge, a judge and jury, or before a single judge entertaining the
23 person's plea of nolo contendere or guilty to an offense ("adjudged person"), and every person
24 sentenced to imprisonment in the adult correctional institutions ("sentenced person") including
25 those sentenced or imprisoned for civil contempt, and every person awaiting trial at the adult
26 correctional institutions ("detained person") who meets the criteria set forth in this section shall be
27 subject to the terms of this section except:

28 (1) Any person who is unable to demonstrate that a permanent place of residence ("eligible
29 residence") within this state is available to that person; or

30 (2) Any person who is unable to demonstrate that he or she will be regularly employed, or
31 enrolled in an educational or vocational training program within this state, and within thirty (30)
32 days following the institution of community confinement; or

1 (3)(i) Any adjudged person or sentenced person or detained person who has been
2 convicted, within the five (5) years next preceding the date of the offense for which he or she is
3 currently so adjudged or sentenced or detained, of a violent felony.

4 A "violent felony" as used in this section shall mean any one of the following crimes or an
5 attempt to commit that crime: murder, manslaughter, sexual assault, mayhem, robbery, burglary,
6 assault with a dangerous weapon, assault or battery involving serious bodily injury, arson, breaking
7 and entering into a dwelling, child molestation, kidnapping, DWI resulting in death or serious
8 injury, driving to endanger resulting in death or serious injury; or

9 (ii) Any person currently adjudged guilty of or sentenced for or detained on any capital
10 felony; or

11 (iii) Any person currently adjudged guilty of or sentenced for or detained on a felony
12 offense involving the use of force or violence against a person or persons.

13 These shall include, but are not limited to, those offenses listed in subsection (a)(3)(i) of
14 this section; or

15 (iv) Any person currently adjudged guilty, sentenced, or detained for the sale, delivery, or
16 possession with intent to deliver a controlled substance in violation of § 21-28-4.01(a)(4)(i) or
17 possession of a certain enumerated quantity of a controlled substance in violation of §§ 21-28-
18 4.01.1 or 21-28-4.01.2; or

19 (v) Any person currently adjudged guilty of, or sentenced for, or detained on an offense
20 involving the illegal possession of a firearm.

21 (b) *Findings prior to sentencing to community confinement.* In the case of adjudged
22 persons, if the judge intends to impose a sentence of community confinement, he or she shall first
23 make specific findings, based on evidence regarding the nature and circumstances of the offense
24 and the personal history, character, record, and propensities of the defendant which are relevant to
25 the sentencing determination, and these findings shall be placed on the record at the time of
26 sentencing. These findings shall include, but are not limited to:

27 (1) A finding that the person does not demonstrate a pattern of behavior indicating a
28 propensity for violent behavior;

29 (2) A finding that the person meets each of the eligibility criteria set forth in subsection (a);

30 (3) A finding that simple probation is not an appropriate sentence;

31 (4) A finding that the interest of justice requires, for specific reasons, a sentence of non-
32 institutional confinement; and

33 (5) A finding that the person will not pose a risk to public safety if placed in community
34 confinement.

1 The facts supporting these findings shall be placed on the record and shall be subject to
2 review on appeal.

3 (c) *Community confinement.*

4 (1) There shall be established within the department of corrections, a community
5 confinement program to serve that number of adjudged persons, sentenced persons, and detainees,
6 that the director of the department of corrections ("director") shall determine on or before July 1 of
7 each year. Immediately upon that determination, the director shall notify the presiding justice of
8 the superior court of the number of adjudged persons, sentenced persons, and detainees that can be
9 accommodated in the community confinement program for the succeeding twelve (12) months.
10 One-half (1/2) of all persons sentenced to community confinement shall be adjudged persons, and
11 the balance shall be detainees and sentenced persons. The director shall provide to the presiding
12 justice of the superior court and the family court on the first day of each month a report to set forth
13 the number of adjudged persons, sentenced persons, and detainees participating in the community
14 confinement program as of each reporting date. Notwithstanding any other provision of this section,
15 if on April 1 of any fiscal year less than one-half (1/2) of all persons sentenced to community
16 confinement shall be adjudged persons, then those available positions in the community
17 confinement program may be filled by sentenced persons or detainees in accordance with the
18 procedures set forth in subsection (c)(2) of this section.

19 (2) In the case of inmates other than those classified to community confinement under
20 subsection (h) of this section, the director may make written application ("application") to the
21 sentencing judge for an order ("order") directing that a sentenced person or detainee be confined
22 within an eligible residence for a period of time, which in the case of a sentenced person, shall not
23 exceed the term of imprisonment. This application and order shall contain a recommendation for a
24 program of supervision and shall contain the findings set forth in subsections (b)(1), (b)(2), (b)(3),
25 (b)(4), and (b)(5) of this section and facts supporting these findings. The application and order may
26 contain a recommendation for the use of electronic surveillance or monitoring devices. The hearing
27 on this application shall be held within ten (10) business days following the filing of this
28 application. If the sentencing judge is unavailable to hear and consider the application the presiding
29 justice of the superior court shall designate another judge to do so.

30 (3) In lieu of any sentence that may be otherwise imposed upon any person subject to this
31 section, the sentencing judge may cause an adjudged person to be confined within an eligible
32 residence for a period of time not to exceed the term of imprisonment otherwise authorized by the
33 statute the adjudged person has been adjudged guilty of violating.

1 (4) With authorization by the sentencing judge, or, in the case of sentenced persons
2 classified to community confinement under subsection (h) of this section by the director of
3 corrections, or in accordance with the order, persons confined under the provisions of this chapter
4 may be permitted to exit the eligible residence in order to travel directly to and from their place of
5 employment or education or training and may be confined in other terms or conditions consistent
6 with the basic needs of that person that justice may demand, including the right to exit the eligible
7 residence to which that person is confined for certain enumerated purposes such as religious
8 observation, medical and dental treatment, participation in an education or vocational training
9 program, and counseling, all as set forth in the order.

10 (d) *Administration.*

11 (1) *Community confinement.* The supervision of persons confined under the provisions of
12 this chapter shall be conducted by the director, or his or her designee.

13 (2) *Intense surveillance.* The application and order shall prescribe a program of intense
14 surveillance and supervision by the department of corrections. Persons confined under the
15 provisions of this section shall be subject to searches of their persons or of their property when
16 deemed necessary by the director, or his or her designee, in order to ensure the safety of the
17 community, supervisory personnel, the safety and welfare of that person, and/or to ensure
18 compliance with the terms of that person's program of community confinement; provided, however,
19 that no surveillance, monitoring or search shall be done at manifestly unreasonable times or places
20 nor in a manner or by means that would be manifestly unreasonable under the circumstances then
21 present.

22 (3) The use of any electronic surveillance or monitoring device which is affixed to the body
23 of the person subject to supervision is expressly prohibited unless set forth in the application and
24 order or, in the case of sentenced persons classified to community confinement under subsection
25 (h), otherwise authorized by the director of corrections.

26 (4) *Regulatory authority.* The director shall have full power and authority to enforce any
27 of the provisions of this section by regulation, subject to the provisions of the Administrative
28 Procedures Act, chapter 35 of title 42. Notwithstanding any provision to the contrary, the
29 department of corrections may contract with private agencies to carry out the provisions of this
30 section. The civil liability of those agencies and their employees, acting within the scope of their
31 employment, and carrying out the provisions of this section, shall be limited in the same manner
32 and dollar amount as if they were agencies or employees of the state.

33 (e) *Violations.* Any person confined pursuant to the provisions of this section, who is found
34 to be a violator of any of the terms and conditions imposed upon him or her according to the order,

1 or in the case of sentenced persons classified to community confinement under subsection (h),
2 otherwise authorized by the director of corrections, this section, or any rules, regulations, or
3 restrictions issued pursuant hereto shall serve the balance of his or her sentence in a classification
4 deemed appropriate by the director. If that conduct constitutes a violation of § 11-25-2, the person,
5 upon conviction, shall be subject to an additional term of imprisonment of not less than one year
6 and not more than twenty (20) years. However, it shall be a defense to any alleged violation that
7 the person was at the time of the violation acting out of a necessary response to an emergency
8 situation. An "emergency situation" shall be construed to mean the avoidance by the defendant of
9 death or of substantial personal injury, as defined above, to him or herself or to others.

10 (f) *Costs.* Each person confined according to this section shall reimburse the state for the
11 costs or a reasonable portion thereof incurred by the state relating to the community confinement
12 of those persons. Costs shall be initially imposed by the sentencing judge or in the order and shall
13 be assessed by the director prior to the expiration of that person's sentence. Once assessed, those
14 costs shall become a lawful debt due and owing to the state by that person. Monies received under
15 this section shall be deposited as general funds.

16 (g) *Severability.* Every word, phrase, clause, section, subsection, and any of the provisions
17 of this section are hereby declared to be severable from the whole, and a declaration of
18 unenforceability or unconstitutionality of any portion of this section, by a judicial court of
19 competent jurisdiction, shall not affect the portions remaining.

20 (h) *Sentenced persons approaching release.* Notwithstanding the provisions set forth
21 within this section, any sentenced person committed under the direct care, custody, and control of
22 the adult correctional institutions, who is within ~~six (6) months~~ one (1) year of the projected good
23 time release date, provided that the person shall have completed at least one-half (1/2) of the full
24 term of incarceration, or any person who is sentenced to a term of six (6) months or less of
25 incarceration, provided that the person shall have completed at least ~~three-fourths (3/4)~~ one-half
26 (1/2) of the term of incarceration, may in the discretion of the director of corrections be classified
27 to community confinement. This provision shall not apply to any person whose current sentence
28 was imposed upon conviction of murder, first degree sexual assault or first degree child
29 molestation.

30 (i) *Notification to police departments.* The director, or his or her designee, shall notify the
31 appropriate police department when a sentenced, adjudged or detained person has been placed into
32 community confinement within that department's jurisdiction. That notice will include the nature
33 of the offense and the express terms and conditions of that person's confinement. That notice shall

1 also be given to the appropriate police department when a person in community confinement within
2 that department's jurisdiction is placed in escape status.

3 (j) *No incarceration credit for persons awaiting trial.* No detainee shall be given
4 incarceration credit by the director for time spent in community confinement while awaiting trial.

5 (k) *No confinement in college or university housing facilities.* Notwithstanding any
6 provision of the general laws to the contrary, no person eligible for community confinement shall
7 be placed in any college or university housing facility, including, but not limited to, dormitories,
8 fraternities or sororities. College or university housing facilities shall not be considered an "eligible
9 residence" for "community confinement."

10 (l) A sentencing judge shall have authority to waive overnight stay or incarceration at the
11 adult correctional institution after the sentencing of community confinement. Such a waiver shall
12 be binding upon the adult correctional institution and the staff thereof, including, but not limited to
13 the community confinement program.

14 **42-56-24. Earned time for good behavior or program participation or completion.**

15 (a) A person serving a sentence of a violation of §§ 11-5-1 (where the specified felony is
16 murder), 11-23-1, 11-26-1.4, 11-37-2, 11-37-8.1 or 11-37-8.3 shall not be eligible to earn time off
17 their term or terms of incarceration for good behavior.

18 (b) The director, or his or her designee, shall keep a record of the conduct of each prisoner,
19 and for each month that a prisoner who has been sentenced to imprisonment for six (6) months or
20 more and not under sentence to imprisonment for life, appears by the record to have faithfully
21 observed all the rules and requirements of the institutions and not to have been subjected to
22 discipline, and is serving a sentence imposed for violation of sexual offenses under §§ 11-37-4, 11-
23 37-6, 11-37-8 or 11-9-1.3 there shall, with the consent of the director of the department of
24 corrections, or his or her designee, upon recommendation to him or her by the assistant director of
25 institutions/operations, be deducted from the term or terms of sentence of that prisoner the same
26 number of days that there are years in the term of his or her sentence; provided, that when the
27 sentence is for a longer term than ten (10) years, only ten (10) days shall be deducted for one
28 month's good behavior; and provided, further, that in the case of sentences of at least six (6) months
29 and less than one year, one day per month shall be deducted.

30 For the purposes of this subsection computing the number of days to be deducted for good
31 behavior, consecutive sentences shall be counted as a whole sentence. This subsection recognizes
32 the serious nature of sex offenses; promotes community safety and protection of the public; and
33 maintains the ability of the department of corrections to oversee the rehabilitation and supervision
34 of sex offenders.

1 (c) For all prisoners serving sentences of more than one month, and not serving a sentence
2 of imprisonment for life or a sentence imposed for a violation of the offenses identified in
3 subsection (a) or (b) the director, or his or her designee, shall keep a record of the conduct of each
4 prisoner, and for each month that prisoner has faithfully observed all the rules and requirements of
5 the institutions and has not been subjected to discipline, there shall, with the consent of the director
6 of the department of corrections or his or her designee and upon recommendation by the assistant
7 director of institutions/operations, be deducted from the term or terms of sentence of that prisoner
8 ten (10) days for each month's good behavior.

9 (d) For every day a prisoner shall be shut up or otherwise disciplined for bad conduct, as
10 determined by the assistant director, institutions/operations, subject to the authority of the director,
11 there shall be deducted one day from the time he or she shall have gained for good conduct.

12 (e) The assistant director, or his or her designee, subject to the authority of the director,
13 shall have the power to restore lost good conduct time in whole or in part upon a showing by the
14 prisoner of subsequent good behavior and disposition to reform.

15 (f) For each month that a prisoner who has been sentenced to imprisonment for more than
16 one month and not under sentence to imprisonment for life who has faithfully engaged in
17 institutional industries there shall, with the consent of the director, upon the recommendations to
18 him or her by the assistant director, institutions/operations, be deducted from the term or terms of
19 the prisoner an additional two (2) days a month.

20 (g) Except those prisoners serving a sentence imposed for violation of subsection (a) or (b),
21 for each month that a prisoner who has been sentenced to imprisonment for more than one month
22 and not under sentence to imprisonment for life has participated faithfully in programs that have
23 been determined by the director or his/her designee to address that prisoner's individual needs that
24 are related to his/her criminal behavior, there may, with the consent of the director and upon the
25 recommendation of the assistant director, rehabilitative services, be deducted from the term or
26 terms of the prisoner up to an additional five (5) days a month. Furthermore, whenever the prisoner
27 has successfully completed such program, they may; with the consent of the director and upon the
28 recommendation by the assistant director, rehabilitative services, be deducted from the term or
29 terms of the prisoner up to an additional thirty (30) days.

30 (h) A person who is serving a term or terms of a probation sentence of one year or
31 longer, including a person who has served a term of incarceration followed by a probation
32 sentence, except those serving a term of probation for a sentence in violation of §§ 11-5-1 (where
33 the specified felony is murder or sexual assault), 11-23-1, 11-26-1.4, 11-37-2, 11-37-8.1 or 11-37-
34 8.3 shall upon serving three years of their probation sentence be eligible to earn time off their term

1 or terms of the probation sentence for compliance with court-ordered terms and conditions of
2 probation. Calculation of these credits shall commence upon the probationer's completion
3 of all terms of incarceration.

4 (i) The director, or his or her designee, shall keep a record of the conduct of each
5 probationer. For each month that the probationer has not had a judicial finding of a violation of
6 conditions of probation, there shall, with the consent of the director of the department of
7 corrections, or designee, upon recommendation of the assistant director of
8 institutions/operations, or designee, be deducted from the term or terms of the probationer's
9 sentence (10) ten days for each month's compliance with the terms and conditions of their
10 probation.

11 (ii) For each month that a violation of probation is pending the probationer shall not be
12 eligible to earn probation compliance credits. In the event there is a judicial determination that the
13 probationer did not violate his or her terms and conditions of probation, credit will be awarded
14 retroactive to the date of the filing of the probation violation. In the event there is a judicial
15 determination that the probationer did violate his or her terms and conditions of
16 probation, the probationer shall not be awarded compliance credits for the time during which the
17 violation was pending, and further, the court may order revocation of prior
18 earned compliance credits.

19 (iii) The probation department of the Department of Corrections shall keep a record of the
20 probationer's sentence to include the person's end of sentence date based on earned credits for
21 compliance with their terms and conditions of probation.

22 (iv) This section shall apply to all individuals sentenced to probation, including those
23 sentenced prior to enactment of the statute. However, the award of probation compliance
24 credits shall be prospective only from the date of enactment of the statute.

25 **42-56-38. Assessment of costs.**

26 (a) Each sentenced offender committed to the care, custody or control of the department of
27 corrections shall reimburse the state for the cost or the reasonable portion of the cost incurred by
28 the state relating to that commitment; provided, however, that a person committed, awaiting trial
29 and not convicted, shall not be liable for the reimbursement. Items of cost shall include physical
30 services and commodities such as food, medical, clothing and specialized housing, as well as social
31 services such as specialized supervision and counseling. Costs shall be assessed by the director of
32 corrections, or his or her designee, based upon each person's ability to pay, following a public
33 hearing of proposed fee schedules. Each offender's family income and number of dependents shall
34 be among the factors taken into consideration when determining ability to pay. Moneys received

1 under this section shall be deposited as general revenues. The director shall promulgate rules and
2 regulations necessary to carry out the provisions of this section. The rules and regulations shall
3 provide that the financial situation of persons, financially dependent on the person, be considered
4 prior to the determination of the amount of reimbursement. This section shall not be effective until
5 the date the rules and regulations are filed with the office of the secretary of state.

6 (b) Notwithstanding the provision of subsection (a), or any rule or regulation promulgated
7 by the director, any sentenced offender who is ordered or directed to the work release program,
8 shall pay no less than thirty percent (30%) of his or her ~~gross~~ net salary for room and board.

9 SECTION 8. This article shall take effect upon passage.