

2021 -- H 5088

=====
LC000602
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Representative Jason Knight

Date Introduced: January 22, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-13-5.1 of the General Laws in Chapter 12-13 entitled "Bail and
2 Recognizance" is hereby repealed.

3 ~~**12-13-5.1. Presumption of danger to the community.**~~

4 ~~Whenever a person is charged with, or indicted or informed against, for an offense~~
5 ~~involving the unlawful sale, distribution, manufacture, delivery, or possession with intent to~~
6 ~~manufacture, sell, distribute, or deliver any controlled substance, or by possession of any controlled~~
7 ~~substance punishable by imprisonment for ten (10) years or more, and the state objects to the setting~~
8 ~~of bail pursuant to the R.I. Const., Art. I, Sec. IX, if the court determines that the proof of guilt is~~
9 ~~evident or the presumption great, then it shall be presumed that the person is a danger to the safety~~
10 ~~of the community unless that presumption is rebutted by the defendant.~~

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

=====
LC000602
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

1 This act would repeal § 12-13-5.1 which permits the state to draw an inference that a person
2 charged with delivery of a controlled substance is a danger to the community.

3 This act would take effect upon passage.

=====
LC000602
=====