

2022 -- H 7356

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Introduced By: Representatives Felix, Knight, Potter, Williams, Batista, Cassar, Craven,
Henries, Alzate, and Amore

Date Introduced: February 04, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **12-19-2. Selection of method and amount or term of punishment.**

4 (a) Whenever it is provided that any offense shall be punished by a fine or imprisonment,
5 the court imposing punishment may, in its discretion, select the kind of punishment to be imposed,
6 and, if the punishment is fine or imprisonment, its amount or term within the limits prescribed by
7 law; provided, if the punishment to be imposed is imprisonment, the sentence or sentences imposed
8 shall be reduced by the number of days spent in confinement while awaiting trial and while awaiting
9 sentencing; and provided, further, that in the case of a person sentenced to a life sentence, the time
10 at which he or she shall become eligible to apply for parole shall be reduced by the number of days
11 spent in confinement while awaiting trial and while awaiting sentencing; and any sentence or
12 sentences in effect at present, including the provision as to a life sentence as described in this
13 subsection may be reduced in like manner by the court which imposed the sentence upon
14 application by the person serving the sentence to the court. In exercising its discretion as to
15 imposition of punishment and selection of sentence, the court shall consider the following factors:

16 (1) The nature and circumstances of the offense;

17 (2) The history and characteristics of the defendant, to include, but not be limited to: their
18 personal, educational and employment background; immigration status and/or immigration
19 consequences;

1 (3) The defendant's potential for rehabilitation, including their attitude toward society, their
2 sense of remorse and their inclination to take their place as an honest and useful member of society;

3 (4) The seriousness of the offense and the type of punishment, that is sufficient but not
4 greater than necessary, that will promote respect for the law and provide just punishment; and

5 (5) Whether the defendant would benefit from educational or vocational training, medical
6 care or counseling.

7 (b) The court upon the sentencing of a first time offender, excluding capital offense and
8 sex offense involving minors, may in appropriate cases sentence the person to a term of
9 imprisonment, and allow the person to continue in his or her usual occupation or education and
10 shall order the person to be confined in a minimum security facility at the A.C.I. during his or her
11 nonworking or study hours.

12 (c) The director of corrections or his or her designee may impose any conditions and
13 restrictions upon the release of persons sentenced under this section that he or she deems necessary.

14 (d) The director of corrections may at any time, subject to the approval of the director,
15 recall a prisoner from release status if he or she believes or has reason to believe the peace, safety,
16 welfare, or security of the community may be endangered by the prisoner being under release status.
17 Any prisoner recalled under this subsection shall be presented to the next regularly scheduled
18 meeting of the classification board for its further consideration.

19 (e) A prisoner authorized to work at paid employment in the community under this section
20 may be required to pay, and the director is authorized to collect, costs incident to the prisoner's
21 confinement as the director deems appropriate and reasonable. These collections shall be deposited
22 with the treasurer as a part of the general revenue of the state.

23 (f) When a sentenced inmate's parole release date or completion of sentence falls on a
24 weekend or on a holiday, the department of corrections may release the inmate on the prior business
25 day.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would codify the traditional factors a judge considers when sentencing a
2 defendant, to include the nature and circumstances of the offense, the history and characteristics of
3 the defendant, the immigration status of the defendant, the potential for rehabilitation, the need for
4 educational or vocational training and mandating that the court not impose a sentence that is greater
5 than sufficient to promote respect for the law and provide deterrence to the defendant and others.

6 This act would take effect upon passage.

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