

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Senators Mendes, and Calkin

Date Introduced: March 24, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-13-1.3 of the General Laws in Chapter 12-13 entitled "Bail and
2 Recognizance" is hereby amended to read as follows:

3 **12-13-1.3. Pretrial release.**

4 (a) Unless otherwise provided, a detainee shall be eligible for pretrial release or reduced
5 bail if he or she fails to post bail.

6 (b) The court may not impose financial conditions of release on any person.

7 ~~(b)~~(c) "Pretrial release" means release of a defendant without bail but upon an order to
8 abide by the conditions as set by the court. Release on non-monetary conditions shall be applied to
9 secure the presence of the accused and protect the safety of the community.

10 (c)~~(d)~~ The department of corrections shall collect information concerning the background
11 and circumstances of the pretrial detainee. The department's investigation shall include the
12 following information and any other factors as shall be appropriate to the case:

13 (1) Marital status.

14 (2) Name and address of dependents.

15 (3) Past and present employment, including place of employment, position held and length
16 of employment.

17 (4) Whether the defendant is under the care of a licensed physician or uses medication
18 prescribed by a licensed physician.

19 (5) Any physical or mental condition affecting the defendant's behavior.

1 (6) Education.

2 (7) Prior criminal record, including facts indicating that the defendant is likely to be a
3 danger to the community if released without restrictions.

4 (8) Prior court appearances and record of appearance or non-appearance.

5 (9) Ties to this community and to other communities.

6 (10) Financial resources.

7 ~~(d)~~(e) If, as a result of this investigation, the department of corrections concludes that the
8 pretrial detainee is an appropriate candidate to be considered by the court for pretrial release or
9 reduced bail, the department shall present its findings to the court.

10 ~~(e)~~(f) Upon a determination by the court that a defendant is suitable for release on
11 recognizance subject to conditions set by the court, the court in its discretion may also impose the
12 least onerous of the following conditions necessary to assure the defendant's appearance in court:

13 (1) Imposition of condition of release involving field supervision with or without special
14 conditions. Field supervision shall require notification to defendants released prior to trial of their
15 court dates.

16 (2) Imposition of condition of release involving placement of defendant on intensive
17 supervision, with or without special conditions. Intensive supervision shall require contact with the
18 officials designated by the courts and prompt notification to the court of all apparent violations of
19 pre-trial release conditions or arrest of persons released to its custody.

20 (3) Imposition of a condition of release involving placement of the defendant on
21 community confinement pursuant to § 42-56-20.2.

22 ~~(f)~~(g) This section shall not be construed to preclude review by the court of a defendant's
23 bail status at any time.

24 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 prohibit the court from setting financial conditions of bail.
- 2 This act would take effect upon passage.

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