

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Senators DeLuca, de la Cruz, Paolino, E Morgan, and Gallo

Date Introduced: February 16, 2023

Referred To: Senate 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 amended to read as follows:

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

4 (a) 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 (b) Whenever a person is charged with the possession of a firearm with alteration of
12 identification marks in violation of § 11-47-24, there shall be a rebuttable presumption that the
13 person is a danger to the safety of the community.

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

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would require that whenever a person is charged with possession of a firearm with
- 2 alteration of identification marks, the alteration would create a rebuttable presumption that the
- 3 person is a danger to the safety of the community.
- 4 This act would take effect upon passage.

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