

2012 -- H 7112 SUBSTITUTE A

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LC00128/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT

Introduced By: Representatives Tanzi, Walsh, Lally, Dickinson, and DaSilva

Date Introduced: January 12, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-56-24 and 42-56-26 of the General Laws in Chapter 42-56
2 entitled "Corrections Department" are hereby amended to read as follows:

3 **42-56-24. Earned time for good behavior or program participation or completion. –**

4 (a) A person serving a sentence of a violation of sections 11-5-1 (where the specified felony is
5 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
6 their term or terms of incarceration for good behavior.

7 (b) The director, or his or her designee, shall keep a record of the conduct of each
8 prisoner, and for each month that a prisoner who has been sentenced to imprisonment for six (6)
9 months or more and not under sentence to imprisonment for life, appears by the record to have
10 faithfully observed all the rules and requirements of the institutions and not to have been
11 subjected to discipline, and is serving a sentence imposed for violation of sexual offenses under
12 sections ~~11-37-2~~, 11-37-4, 11-37-6, 11-37-8, ~~11-37-8.1 and 11-37-8.3~~ or 11-9-1.3 there shall,
13 with the consent of the director of the department of corrections, or his or her designee, upon
14 recommendation to him or her by the assistant director of institutions/operations, be deducted
15 from the term or terms of sentence of that prisoner the same number of days that there are years
16 in the term of his or her sentence; provided, that when the sentence is for a longer term than ten
17 (10) years, only ten (10) days shall be deducted for one month's good behavior; and provided,
18 further, that in the case of sentences of at least six (6) months and less than one year, one day per
19 month shall be deducted.

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

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

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

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

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

26 ~~(f)~~ (g) Except those prisoners serving a sentence imposed for violation of subsection (a)
27 or (b) ~~any sexual offense committed under sections 11-37-2, 11-37-4, 11-37-6, 11-37-8, 11-37-~~
28 ~~8.1, 11-37-8.3 or 11-9-1.3,~~ for each month that a prisoner who has been sentenced to
29 imprisonment for more than one month and not under sentence to imprisonment for life has
30 participated faithfully in programs that have been determined by the director or his/her designee
31 to address that prisoner's individual needs that are related to his/her criminal behavior, there may,
32 with the consent of the director and upon the recommendation of the assistant director,
33 rehabilitative services, be deducted from the term or terms of the prisoner up to an additional five
34 (5) days a month. Furthermore, whenever the prisoner has successfully completed such program,

1 they may; with the consent of the director and upon the recommendation by the assistant director,
2 rehabilitative services, be deducted from the term or terms of the prisoner up to an additional
3 thirty (30) days.

4 **42-56-26. Additional time allowed for meritorious service.** – ~~With the exception of the~~
5 ~~prisoners eligible for credits pursuant to subsections 42-56-24(b) and 42-56-24(f), any prisoner~~
6 ~~sentenced to imprisonment for one year or more in the adult correctional institutions, whether the~~
7 ~~sentence was imposed before or after May 8, 1974~~ Prisoners sentenced to imprisonment for
8 violations of offenses identified in subsections 42-56-24 (a) and (b) shall be eligible to have
9 deducted from his or her sentence up to three (3) days per month up to a maximum of thirty-six
10 (36) days per year, when in the determination of the director, or his or her designee, an inmate has
11 performed heroic acts affecting the lives and welfare of the institutional personnel, inmates, or the
12 general public, or when an inmate has submitted extraordinary and useful ideas and plans which
13 have been implemented for the benefit of the state resulting in substantial savings and/or a higher
14 degree of efficiency or performance while participating in and completing academic or vocational
15 education programs, or when an inmate has submitted useful ideas concerning academic or
16 vocational programs which have been implemented at the adult correctional institutions. Nothing
17 in this section shall be construed to deprive a prisoner of time already accumulated or deducted
18 prior to May 8, 1974.

19 SECTION 2. This act shall take effect on July 1, 2012 and shall apply to all criminal
20 offenses that occur on or after that date.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would exclude certain offenses from eligibility for earned time for good behavior
2 or program participation or completion.

3 This act would take effect on July 1, 2012 and would apply to all criminal offenses that
4 occur on or after that date.

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