

2012 -- H 7846

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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 CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Representatives McLaughlin, MacBeth, Menard, Guthrie, and Azzinaro

Date Introduced: February 28, 2012

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 amended to read as follows:

3 **12-13-5.1. Presumption of danger to the community.** -- (a) Whenever a person is
4 charged with, or indicted or informed against, for an offense involving the unlawful sale,
5 distribution, manufacture, delivery, or possession with intent to manufacture, sell, distribute, or
6 deliver any controlled substance, or by possession of any controlled substance punishable by
7 imprisonment for ten (10) years or more, and the state objects to the setting of bail pursuant to the
8 R.I. Const., Art. I, Sec. IX, if the court determines that the proof of guilt is evident or the
9 presumption great, then it shall be presumed that the person is a danger to the safety of the
10 community unless that presumption is rebutted by the defendant.

11 (b) In making a determination as to whether a person is a danger to the community and/or
12 to grant or deny bail to a person charged with a sexual offense, the court may consider past
13 indictments and/or arrests of the person for similar sexual offenses. In the event a person is not
14 released but is denied bail as a danger to the community pursuant to this section, said person shall
15 be remanded to protective custody. As used herein, the term "sexual offense" means and includes
16 any offense for which a person upon conviction thereof is or would be required to register under
17 the provisions of chapter 11-37.1 ("Sexual Offender Registration and Community Notification"),
18 or any offense in another jurisdiction which is substantially the equivalent to any of the said
19 offenses listed in said chapter, or for which the person is or would be required to register under 42

1 [U.S.C. 14071 or 18 U.S.C. 4042\(c\)](#).

2 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 allow a court, in determining whether a person is a danger to the
2 community and/or to grant or deny bail to a person charged with a sexual offense, to consider past
3 indictments and/or arrests of the person for similar sexual offenses. In the event a person is not
4 released but is denied bail as a danger to the community pursuant to this section, the person
5 would be remanded to protective custody.

6 This act would take effect upon passage.

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