



1 petitioner has been successful in his or her rehabilitation.

2 **13-8.2-2. Definitions.** -- As used in this chapter the following words and terms shall have  
3 the following meanings:

4 (1) "Board" means the parole board within the Rhode Island department of corrections,  
5 established pursuant to the provisions of section 13-8-1.

6 (2) "Department" means the department of corrections.

7 (3) "Director" means the director of the department of corrections.

8 (4) "Eligible Petitioner" means a person who has not been convicted of a crime or of an  
9 offense as defined in RIGL subdivision 11-47-2(2) and in RIGL subdivision 12-1.3-1(1) who has  
10 not been convicted of more than one felony.

11 (5) "Certificate of recovery & re-entry " or "Certificate" shall serve as one determining  
12 factor, consistent with concerns of public safety, of the person's ability to obtain employment,  
13 professional licenses, housing and other benefits and opportunities. Provided, further, that said  
14 instrument shall serve as a determination that the person receiving it has successfully achieved his  
15 or her recovery & re-entry goals as provided for in section 13-8.2-4.

16 (6) "Conviction" notwithstanding the provisions of section 12-18-3, means the imposition  
17 of a fine, period of incarceration whether or not suspended, probation or deferred sentence  
18 imposed after the entry of a plea of nolo contendere.

19 (7) "Petition" means the motion, pleading, or other legal document or form seeking the  
20 issuance of a certificate of recovery & re-entry from the board.

21 (8) "Felony" means a conviction of a felony in this state or of an offense, that is not a  
22 crime of violence, in any other jurisdiction for which a sentence to a term of imprisonment in  
23 excess of one year, was authorized. Criminal acts committed outside the state shall be classified  
24 as acts committed within the state.

25 **13-8.2-3. Rules of construction.** -- For the purposes of this chapter the following rules of  
26 construction, facts and circumstances shall apply:

27 (1) Two (2) or more convictions of felonies charged in separate counts of one indictment  
28 or information shall be deemed to be one conviction;

29 (2) Two (2) or more convictions of felonies charged in two (2) or more separate  
30 indictments or information, where disposition of all indictments or information takes place on the  
31 same date, shall be deemed to be one conviction; and

32 (3) A plea or verdict of guilty upon which a sentence of probation, conditional discharge,  
33 or supervision has been imposed shall be deemed to be a conviction.

34 **13-8.2-4. Procedure for issuance of certificate.** -- The board shall have the following

1 procedures for certificate of recovery & re-entry hearings:

2 (1) To hear petitions from individuals seeking an order granting the issuance of a  
3 certificate of recovery & re-entry.

4 (2) To establish the minimum period of recovery & re-entry for individuals referred to in  
5 subdivision (1) of this section, as follows:

6 (i) Where the most serious crime of which the individual was convicted is a  
7 misdemeanor, the minimum period of recovery & re-entry shall be one year;

8 (ii) Where the most serious crime of which the individual was convicted is a non-violent  
9 felony conviction, the minimum period of recovery & re-entry shall be three (3) years; and

10 (iii) The minimum period of recovery & re-entry by the individual shall be measured  
11 either from the date of the payment of any fine imposed upon him or her, or from the date of his  
12 or her release from the institutional facility, custody by parole or home confinement, whichever is  
13 later.

14 (3) To classify criminal acts committed outside the state as acts committed within the  
15 state based on the non violent nature of the criminal acts and the maximum sentence that could  
16 have been imposed based upon such conviction pursuant to the laws of such foreign jurisdiction.

17 (4) To use its discretion as to the holding of an open hearing or an individual conference  
18 on any matter relevant to the granting of the application and the taking of testimony under oath.

19 **13-8.2-5. Powers and duties of the board. --** (a) The board shall have the power to issue  
20 and establish criteria to determine eligibility for issuance of the certificate of recovery & re-entry;

21 (b) By an affirmative vote of a majority of the members of the board to issue a certificate  
22 of recovery & re-entry to any person previously convicted of a crime in any jurisdiction;

23 (c) To create all applications, and certificates necessary for the purposes of this chapter  
24 upon forms prescribed by the board. Such forms relating to certificates of recovery & re-entry  
25 shall be distributed by the chairman of the board;

26 (d) To promulgate all necessary rules and regulations to carry out the intent of this  
27 chapter; and

28 (e) Any information contained within a certificate of recovery & re-entry as created in  
29 subsection (c) of this section shall be limited to:

30 (i) The applicant's name;

31 (ii) Date of birth;

32 (iii) Certificate number;

33 (iv) Issue date;

34 (v) A statement that "The board has determined that up to and including the issue date

1 stated above, this individual has met the necessary standards of recovery & re-entry to hold the  
2 certificate"; and

3 (vi) Authentication phone number for the department of corrections.

4 **13-8.2-6. Limitations and restrictions of certificate. --** (a) Nothing contained in this  
5 chapter shall be deemed:

6 (1) Destruction or sealing of criminal records pursuant to section 12-1-12; or

7 (2) Expungement of criminal records pursuant to sections 12-1.3-1 through 4; or

8 (3) To alter or limit or affect the manner of applying for pardons to the

9 Governor;

10 (b) The certificate shall not to be deemed to prevent:

11 (1) Any judicial proceeding, administrative, licensing or other body, or authority from  
12 relying upon the conviction specified in the certificate as the basis for the exercise of its  
13 discretionary power to suspend, revoke, or refuse to issue or renew any license, permit, or other  
14 authority or privilege.

15 (2) Or limit the introduction of evidence of a prior conviction for purposes of  
16 impeachment of a witness in a judicial or other proceeding where otherwise authorized by the  
17 applicable rules of evidence.

18 (3) The enhancement from misdemeanor to felony when charging an individual with a  
19 criminal offense, subsequent to the conviction on which the certificate was issued, when a prior  
20 conviction mandates such enhancement of subsequent charges.

21 **13-8.2-7. Severability. --** If any provision of this chapter or its application to any person  
22 or circumstance is held invalid or unconstitutional, the invalidity or unconstitutionality shall not  
23 affect other provisions or applications of this chapter which can be given effect without the  
24 invalid or unconstitutional provision or application, and to this end the provisions of this chapter  
25 are declared to be severable.

26 **13-8.2-8. Immunity for third-party individuals -- Civil and criminal. --** An individual  
27 or entity that denies employment, professional licensing, housing or other benefits or  
28 opportunities to a holder of a certificate of recovery & re-entry on the basis of a criminal records  
29 check shall not be liable for civil damages or subject to any claim, demand, cause of action, or  
30 proceeding of any nature as a result of such denial.

31 SECTION 2. This act shall take effect one year from the date of passage.

=====  
LC00310/SUB A  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO CRIMINALS--CORRECTIONAL INSTITUTIONS -- PAROLE

\*\*\*

1           This act would authorize the parole board to issue certificates of recovery & re-entry to  
2 individuals convicted of certain crimes who establish their successful rehabilitation to the  
3 satisfaction of the parole board.

4           This act would take effect one year from the date of passage.

=====  
LC00310/SUB A  
=====