

2013 -- H 5491

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CRIMINAL OFFENSES - SEXUAL OFFENDER REGISTRATION AND
COMMUNITY NOTIFICATION

Introduced By: Representatives O'Neill, Craven, O'Brien, Marshall, and Nunes

Date Introduced: February 14, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-37.1-16 of the General Laws in Chapter 11-37.1 entitled "Sexual
2 Offender Registration and Community Notification" is hereby amended to read as follows:

3 **11-37.1-16. Application review -- Burden of production and persuasion. --** (a) In any
4 proceeding under this chapter, the state shall have the burden of going forward, which burden
5 shall be satisfied by the presentation of a prima facie case that justifies the proposed level of and
6 manner of notification.

7 (b) For purposes of this section, "prima facie case" means:

8 (1) A validated risk assessment tool has been used to determine the risk of re-offense;

9 (2) Reasonable means have been used to collect the information used in the validated
10 assessment tool.

11 (c) Upon presentation of a prima facie case, the court shall affirm the determination of
12 the level and nature of the community notification, unless it is persuaded by a preponderance of
13 the evidence that the determination on either the level of notification of the manner in which it is
14 proposed to be accomplished is not in compliance with this chapter or the guidelines adopted
15 pursuant to this chapter.

16 The court, based upon the evidence presented during the proceeding, shall have the
17 authority to raise, lower, or affirm the level of community notification.

18 Nothing in this section shall be construed to prohibit the release of information

1 pertaining to a person who has been convicted of any of the violations of any offense listed in
2 section 11-37.1-2, so long as the information has been gathered or obtained through sources other
3 than the registration process provided by this chapter. Provided further, that nothing in this
4 section shall be deemed to authorize the release of any information pertaining to any victim of
5 any offense listed in section 11-37.1-2.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL OFFENSES - SEXUAL OFFENDER REGISTRATION AND
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- 1 This act would provide the court with authority to raise, lower, or affirm the level of
- 2 community notification in sexual offenses offender registration hearings.
- 3 This act would take effect upon passage.

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