

2014 -- H 7844

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Introduced By: Representatives Mattiello, Silva, Serpa, Bennett, and Jacquard

Date Introduced: March 04, 2014

Referred To: House Judiciary

(Corrections)

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 12-19-8 of the General Laws in Chapter 12-19 entitled "Sentence  
2 and Execution" is hereby amended to read as follows:

3           **12-19-8. Suspension of sentence and probation by superior or district court. --** (a)  
4 Except where the suspension of sentence shall otherwise be prohibited by law, whenever any  
5 defendant shall appear for sentence before the superior or district court, the court may impose a  
6 sentence and suspend the execution of the sentence, in whole or in part, or place the defendant on  
7 probation without the imposition of a suspended sentence. The suspension shall place the  
8 defendant on probation for the time and on any terms and conditions that the court may fix.

9           (b) The period of probation, where no sentence is imposed or where sentence is entirely  
10 suspended, may be for any period up to the maximum time of sentence provided by applicable  
11 statutes. Where sentence is imposed and suspended in part, the term ordered to be served and the  
12 period of probation together shall not exceed the maximum time of sentence provided by  
13 applicable statutes.

14           (c) At any time during the term of a sentence imposed, the probation and parole unit of  
15 the department of corrections may seek permission of the superior or district court to modify a  
16 defendant's conditions of probation set at the time of sentence by either imposing additional  
17 conditions of probation or removing previously imposed conditions of probation to provide for  
18 more effective supervision of the defendant. Failure of the defendant to comply with modified  
19 conditions of probation may result in a violation of probation being filed pursuant to § 12-19-9.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

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1           This act would allow for the probation and parole unit of the department of corrections to  
2 seek permission from the superior or district court to modify a defendant's conditions of probation  
3 to more effectively supervise the defendant.

4           This act would take effect upon passage.

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