

2014 -- H 8106

=====
LC003684
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

—————
A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Representatives McLaughlin, and Hull

Date Introduced: April 30, 2014

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.

=====
LC003684
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

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.

=====
LC003684
=====