

2015 -- H 5158

LC000575

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS

Introduced By: Representatives Serpa, Phillips, Hull, Costa, and Carnevale

Date Introduced: January 21, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Sections 13-8-9 and 13-8-13 of the General Laws in Chapter 13-8 entitled "Parole" are hereby amended to read as follows:

13-8-9. Issuance of parole. – (a) The parole board, in the case of any prisoner whose sentence is subject to its control, unless that prisoner is sentenced to imprisonment for life, and unless that prisoner is confined as a habitual criminal under the provisions of § 12-19-21, may, by an affirmative vote of a majority of the members of the board, issue to that prisoner a permit to be at liberty upon parole, whenever that prisoner has served not less than one-third (1/3) of the term for which he or she was sentenced. The permit shall entitle the prisoner to whom it is issued to be at liberty during the remainder of his or her term of sentence upon any terms and conditions that the board may prescribe.

(b) Notwithstanding the provisions of subsection (a) of this section, in the case of a conviction for a first or second degree murder committed after June 30, 2015, when the prisoner has not been sentenced to life, the prisoner shall not be eligible for a parole permit until he or she has served at least fifty-percent (50%) of his or her sentence.

13-8-13. Life prisoners and prisoners with lengthy sentences. -- (a) In the case of a prisoner sentenced to imprisonment for life, a parole permit may be issued at any time after the prisoner has served not less than ten (10) years imprisonment provided, that:

(1) In the case of a prisoner serving a sentence or sentences of a length making him or her ineligible for a permit in less than ten (10) years, pursuant to §§ 13-8-9 and 13-8-10, the

1 permit may be issued at any time after the prisoner has served not less than ten (10) years
2 imprisonment.

3 (2) In the case of a prisoner sentenced to imprisonment for life for a first or second
4 degree murder committed after July 10, 1989, the permit may be issued only after the prisoner has
5 served not less than fifteen (15) years imprisonment.

6 (3) ~~(b)~~ In the case of a prisoner sentenced to imprisonment for life for a first or second
7 degree murder committed after June 30, 1995, the permit may be issued only after the prisoner
8 has served not less than twenty (20) years imprisonment; ~~and~~.

9 (4) In the case of a prisoner sentenced to imprisonment for life for a first or second
10 degree murder committed after June 30, 2015, the permit may be issued only after the prisoner
11 has served not less than thirty (30) years imprisonment.

12 (5) In the case of a prisoner sentenced to imprisonment for life for a crime, other than
13 first or second degree murder, committed after June 30, 2015, the permit may be issued only after
14 the prisoner has served not less than twenty (20) years imprisonment.

15 ~~(b)~~ (b) The permit shall be issued only by a unanimous vote of all the attending members
16 of the board, providing that not less than four (4) members are present, and whenever, after the
17 issue of the permit, the prisoner shall be pardoned, then the control of the board over the prisoner
18 shall cease and terminate.

19 ~~(4)(b)(c)(1)~~ In the case of a prisoner sentenced to imprisonment for life who is convicted
20 of escape or attempted escape from the lawful custody of the warden of the adult correctional
21 institutions, the permit may be issued only after the prisoner has served not less than twenty-five
22 (25) years imprisonment; provided, however, that as to a prisoner who has been sentenced to
23 imprisonment for life for a conviction of first or second degree murder, committed after June 30,
24 2015, and who is convicted thereafter of escape or attempted escape from the lawful custody of
25 the warden of the adult correctional institutions, the permit may be issued only after the prisoner
26 has served not less than thirty-five (35) years imprisonment; and

27 ~~(b)(2)~~ (2) For each subsequent conviction of escape or attempted escape, an additional five
28 (5) years shall be added to the time required to be served.

29 ~~(b)(d)~~ (d) In the case of a prisoner sentenced consecutively to more than one life term for
30 crimes occurring after May 7, 1981, the permit may be issued only after the prisoner has served
31 not less than ten (10) years consecutively on each life sentence; provided, in the case of a prisoner
32 sentenced consecutively to more than one life term for crimes occurring after June 30, 1995, the
33 permit may be issued only after the prisoner has served not less than fifteen (15) years
34 consecutively on each life sentence. In the case of a prisoner sentenced consecutively to more

1 than one life term for crimes occurring after June 30, 2015, the permit may be issued only after
2 the prisoner has served not less than twenty (20) years consecutively on each life sentence. In the
3 case of a prisoner sentenced consecutively to more than one life term for crimes, including first or
4 second degree murder, occurring after June 30, 2015, the permit may be issued only after the
5 prisoner has served not less than thirty (30) years consecutively on each life sentence.

6 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 increase the time convicted murderers must serve of their sentences
- 2 before they are eligible for parole.
- 3 This act would take effect upon passage.

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