2015 -- H 5623

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S T A T E   O F   R H O D E   I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N   A C T

RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - PAROLE

It is enacted by the General Assembly as follows:

1   SECTION 1. Chapter 13-8 of the General Laws entitled "Parole" is hereby amended by

2   adding thereto the following section:

3   **13-8-35. Early termination of parole. --** (a) Upon its own motion or upon request of a

4   parolee, the parole board may terminate a parolee's supervision, and legal custody over the

5   parolee and subsequent probation, before the sentence expires, in accordance with the following

6   conditions:

7   (1) Seven (7) years after releasing a prisoner on supervision, and at least annually

8   thereafter, the parole board shall review the status of the parolee to determine the need for

9   continued supervision. The parole board shall also conduct a status review whenever the

10   supervision officer recommends early termination of the parolee's supervision.

11   (2) Seven (7) years after releasing a prisoner on supervision, excluding a parolee serving

12   a life sentence for first or second degree murder and sentenced to life imprisonment, the parole

13   board shall terminate supervision over the parolee unless the parole board determines, after a

14   hearing in accordance with this chapter, that such supervision should not be terminated because

15   there is a likelihood that the parolee will engage in conduct violating any criminal law. If the

16   parole board does not terminate supervision under this subsection, the parolee may request a

17   hearing annually thereafter, and the parole board shall conduct an early termination hearing at

18   least every two (2) years.

19   (3) In calculating the two (2) year and seven (7) year periods provided above, the parole

1   board shall not include any period of parole before the recent release, or any period served in

2   confinement or any other sentence.

3   (4) A parolee may not appeal an adverse decision under this section.

4   (b) In determining whether to grant early termination from supervision, the parole board

5   shall consider its guidelines under this section. The guidelines are advisory and the parole board

6   may disregard the outcome indicated by the guidelines based on case-specific factors.

7   Termination of supervision is indicated if the parolee:

8   (1) Has been on supervised parole for the required period; (2) Has observed all the laws

9   within and without the state; (3) Has been employed and remains employed at the time of the

10   request; and (4) Has completed seven (7) continuous years of supervision free from an incident of

11   new criminal behavior or serious parole violation.

12   (c) As used in this section, the term "incident of new criminal behavior" or "serious

13   parole violation" includes a new arrest or report of a parole violation if supported by substantial

14   evidence of guilt, even if no conviction or parole revocation results. The parole board shall not

15   terminate supervision until it determines the disposition of a pending criminal charge.

16   (d) Case-specific factors that may justify a departure either above or below the early

17   termination may relate to the current behavior of the parolee, or the parolee's background and

18   criminal history.

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

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N   A C T

RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - PAROLE

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1   This act would give the parole board the power to reduce its parole officers' case loads

2   through finding that certain parolees and/or probationers no longer require intense supervision,

3   and terminating their duty to report to parole officers. It is similar to a federal counterpart, but

4   with more rigorous requirements before eligibility. It would exclude a category of prisoners

5   sentenced to life for first and second degree murder.

6   This act would take effect upon passage.

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