

2015 -- H 5856

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO PUBLIC FINANCE - ACCOUNTS AND CONTROL

Introduced By: Representatives Gallison, Canario, Serpa, Phillips, and Ruggiero

Date Introduced: March 12, 2015

Referred To: House Finance

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 35-6-13, 35-6-14, 35-6-26, 35-6-28, 35-6-31, 35-6-32 and 35-6-33
2 of the General Laws in Chapter 35-6 entitled "Accounts and Control" are hereby amended to read
3 as follows:

4 **35-6-13. Transmission of accounts allowed by courts.** -- Every account allowed by the
5 supreme court ~~or, by the~~ superior court, family court, workers' compensation court, district court
6 or traffic tribunal, and every certificate allowed for any attendance in these courts in cases
7 provided by law, ~~except the attendance of officers in the county of Providence, shall, within~~
8 ~~twenty (20) days after the close of any session thereof in counties other than the county of~~
9 ~~Providence, and within twenty (20) days after the fifteenth day of February, May, August, and~~
10 ~~November in each year in the county of Providence,~~ and every account or bill of costs, with the
11 items thereof, allowed by ~~any district court or by the supreme court, or by the superior court at~~
12 ~~Providence for attendance of officers~~ these courts, shall, ~~at the end of every month,~~ be transmitted
13 daily by the clerks of the courts, respectively, to ~~the department of administration~~ the supreme
14 court director of finance in accordance with § 8-15-9; and the account, certificate, or bill of costs
15 shall state the name of the person to whom the allowances have been made, the amount thereof,
16 and for what the allowance has been allowed.

17 **35-6-14. Payments for compensation of jurors.** -- The state controller, based upon a
18 statement exhibited to him or her by the jury commissioner, ~~to the supreme court director of~~
19 finance, may draw an order on the general treasurer in favor of the jury commissioner, for a sum

1 certain to pay the jurors for their travel and attendance at any session thereof in any of the state
2 courts that may require juries, which sum shall be accounted for by the jury commissioner at the
3 time of transmitting to the ~~department of administration~~ supreme court director of finance the
4 accounts named in § 35-6-13.

5 **35-6-26. Settlement of costs of state witnesses.** -- Every officer receiving any money
6 from the treasury for disbursement as provided in §§ 35-6-22 -- 35-6-25 shall, within ten (10)
7 days after the disposition of the criminal trials before juries for the session, or portion of the
8 session, as the case may be, for which the money is obtained, ~~deposit with the clerk of the court a~~
9 ~~true copy, by him or her attested, of the book provided to be kept by him or her at the session,~~
10 ~~showing~~ record daily his or her disbursements of money; ~~and shall return the original, with his or~~
11 ~~her certificate endorsed thereon, under oath, that all matters therein contained are just and true, to~~
12 ~~the department of administration;~~ and shall pay over any balance in his or her hands to the state
13 ~~treasurer~~ supreme court director of finance, or receive any balance due him from the state, ~~as, on~~
14 ~~settlement of the account with the state controller, may appear.~~

15 **35-6-28. Settlement of accounts of district court clerks.** -- Every ~~district court~~ clerk
16 shall ~~keep, in his or her office, a true copy, attested by him or her, of all certificates and~~ record
17 daily all receipts ~~containing evidence of~~ and disbursements, ~~and shall return each original~~
18 ~~certificate and receipt to~~ with the ~~department of administration,~~ supreme court director of finance
19 in accordance with § 8-15-9 ~~accompanied by his or her certificate, that he or she believes the~~
20 ~~certificate and receipt to be true and just in every particular, whenever it shall become his or her~~
21 ~~duty according to law to settle his or her account with that department; and shall include his or~~
22 ~~her account of the disbursements in the account which he or she shall then settle.~~

23 **35-6-31. Accounting for fines and forfeitures by others than clerks and justices.** --
24 **Accounting for court fines and forfeitures.** -- Deputy sheriffs, jailers, and other persons, ~~except~~
25 including clerks of courts ~~and justices of district courts~~, receiving fines, penalties, and forfeitures
26 accruing, imposed by the court or belonging to the state, or costs due or payable to the court
27 and/or into the state treasury, shall account daily with the ~~department of administration~~ supreme
28 court director of finance in accordance with § 8-15-9 for the fines, penalties, forfeitures, and
29 costs, ~~as often as may be required by the department.~~

30 **35-6-32. District court clerk's return of fines and penalties.** -- **Court clerk's return of**
31 **fines and penalties.** -- Every clerk of a ~~district~~ court shall in accordance with § 8-15-9, make a
32 ~~monthly~~ daily return in writing to the ~~department of administration~~ supreme court director of
33 finance of all fines collected by him or her due the state ~~during the preceding month~~, and the
34 amount and circumstances of the fines, if any, collected by the clerk; ~~and shall therewith return an~~

1 ~~abstract of his or her docket or record, showing the amount of fines imposed by the court, and~~
2 ~~copies of the bills of costs on all complaints and warrants made, brought, or tried before the court;~~
3 and shall also make a return of all penalties and costs in any civil or criminal suit or process due
4 the state, which shall have come to or been in his or her hands since the preceding return, and the
5 amount and circumstances of the penalties and costs.

6 **35-6-33. Payment of criminal costs to person entitled.** -- All costs received by the clerk
7 of any court, ~~or by any justice of a district court,~~ or other officer or person, which shall be paid by
8 defendants or others in criminal prosecutions, ~~may be paid to the persons entitled to the costs,~~
9 shall be processed by the clerk, ~~justice,~~ officer, or person, ~~until the time appointed for the~~
10 ~~rendering of their accounts to~~ through the ~~department of administration as required by this chapter~~
11 supreme court director of finance in accordance with § 8-15-9; and all sums so received and paid
12 by the officials or persons shall be accounted for with the ~~department of administration~~ supreme
13 court director of finance.

14 SECTION 2. Sections 35-6-21, 35-6-22 and 35-6-27 of the General Laws in Chapter 35-6
15 entitled "Accounts and Control" are hereby repealed.

16 ~~**35-6-21. Accounting by clerks of court for fines and forfeitures.**~~ -- ~~The clerk of the~~
17 ~~supreme court and the clerks of the superior court shall, respectively, make a monthly return to~~
18 ~~the department of administration of all fines, costs, penalties, and forfeiture defaulted~~
19 ~~recognizances and other moneys collected by them and due the state during the preceding month.~~
20 ~~The return shall be accompanied by their certificate duly notarized that they believe the return to~~
21 ~~be true.~~

22 ~~**35-6-22. Forms for costs of summoning state witnesses in criminal cases.**~~ -- ~~The~~
23 ~~department of administration, at every session of the superior court, shall provide the deputy~~
24 ~~sheriff, who shall be selected by the attorney general to summon witnesses in criminal cases~~
25 ~~before the court in behalf of the state, with suitable books for the certificates of the travel and~~
26 ~~attendance of witnesses summoned and attending the court in behalf of the state, and for the~~
27 ~~certificates of the fees of officers for summoning the witnesses, and for serving other criminal~~
28 ~~process in behalf of the state at each session.~~

29 ~~**35-6-27. Payment of fees accruing in district court proceedings.**~~ -- ~~The department of~~
30 ~~administration shall provide the clerk of every district court with proper blanks for certificates of~~
31 ~~fees of witnesses and officers due from the state; and the clerk shall obtain the certificates of fees~~
32 ~~of witnesses and officers before the court in behalf of the state, on the blanks, and, with the~~
33 ~~approval of the justice of the court, made on examination of the facts immediately after the trial~~
34 ~~of every case, shall forthwith pay, out of any public moneys in his or her hands, the fees, and take~~

1 ~~proper receipts therefor, under the proper title of the case, on the blanks, and obtain the signature~~
2 ~~of the justice approving the payments in each case, upon the blanks.~~

3 SECTION 3. 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 remove outdated references to the department of administration and
2 replace said department with the supreme court director of finance as the accounting entity for the
3 court clerks in accordance with § 8-15-9.

4 This act would take effect upon passage.

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