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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO CRIMINAL PROCEDURE - DOMESTIC VIOLENCE PREVENTION ACT

Introduced By: Senators Morgan, Kettle, Algieri, Raptakis, and Nesselbush

Date Introduced: February 25, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-29-5 of the General Laws in Chapter 12-29 entitled "Domestic
2 Violence Prevention Act" is hereby amended to read as follows:

3 **12-29-5. Disposition of domestic violence cases.** -- (a) Every person convicted of or
4 placed on probation for a crime involving domestic violence or whose case is filed pursuant to §
5 12-10-12 where the defendant pleads nolo contendere, in addition to any other sentence imposed
6 or counseling ordered, shall be ordered by the judge to attend, at his or her own expense, a
7 batterer's intervention program appropriate to address his or her violent behavior; provided,
8 however, that the court may permit a servicemember or veteran to complete any court-approved
9 counseling program administered or approved by the Veterans' Administration. This order shall
10 be included in the conditions of probation. Failure of the defendant to comply with the order shall
11 be a basis for violating probation and/or the provisions of § 12-10-12. This provision shall not be
12 suspended or waived by the court.

13 (b) Every person convicted of or placed on probation for a crime involving domestic
14 violence, as enumerated in § 12-29-2 or whose case if filed pursuant to § 12-10-12 where the
15 defendant pleads guilty or nolo contendere, in addition to other court costs or assessments
16 imposed, shall be ordered to pay a ~~one hundred twenty five dollar (\$125)~~ two hundred twenty-
17 five dollars (\$225) assessment. Eighty percent (80%) of the assessment collected pursuant to this
18 section shall be provided to the Rhode Island Coalition Against Domestic Violence for programs
19 to assist victims of domestic violence and twenty percent (20%) of the assessment shall be

1 deposited as general revenue.

2 (c) (1) Every person convicted of an offense punishable as a misdemeanor involving
3 domestic violence as defined in § 12-29-2 shall:

4 (i) For a second violation be imprisoned for a term of not less than ten (10) days and not
5 more than one year.

6 (ii) For a third and subsequent violation be deemed guilty of a felony and be imprisoned
7 for a term of not less than one year and not more than ten (10) years.

8 (2) No jail sentence provided for under this section can be suspended.

9 (3) Nothing in this subsection shall be construed as limiting the discretion of the judges
10 to impose additional sanctions authorized in sentencing.

11 (d) For the purposes of this section, "batterers intervention program" means a program
12 which is certified by the batterers intervention program standards oversight committee according
13 to minimum standards, pursuant to §§ 12-29-5.1, 12-29-5.2, and 12-29-5.3.

14 (e) For purposes of this section, "servicemember" means a person who is presently
15 serving in the armed forces of the United States including the Coast Guard, a reserve component
16 thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,
17 including the Coast Guard of the United States, a reserve component thereof, or the National
18 Guard, and has been discharged under other than dishonorable conditions.

19 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 assessment collected from persons convicted of or placed on
2 probation for domestic violence from one hundred twenty-five dollars (\$125) to two hundred
3 twenty-five (\$225) dollars.

4 This act would take effect upon passage.

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