

2016 -- H 7245

=====  
LC003547  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

\_\_\_\_\_

A N A C T

RELATING TO CRIMINAL PROCEDURE -- DOMESTIC VIOLENCE PREVENTION ACT

Introduced By: Representative Blake Anthony Filippi

Date Introduced: January 20, 2016

Referred To: House 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 [\(1\) The court may permit a resident of the town of New Shoreham to complete a court-](#)  
14 [approved counseling program administered by a court-approved provider that provides services in](#)  
15 [the town of New Shoreham. Provided, the lack or absence of a court-approved program or](#)  
16 [provider being available in the town of New Shoreham shall not relieve or exempt a resident of](#)  
17 [the town of New Shoreham from a court order to attend a program pursuant to this section.](#)

18 (b) Every person convicted of or placed on probation for a crime involving domestic  
19 violence, as enumerated in § 12-29-2 or whose case if filed pursuant to § 12-10-12 where the

1 defendant pleads guilty or nolo contendere, in addition to other court costs or assessments  
2 imposed, shall be ordered to pay a one hundred twenty-five dollar (\$125) assessment. Eighty  
3 percent (80%) of the assessment collected pursuant to this section shall be provided to the Rhode  
4 Island Coalition Against Domestic Violence for programs to assist victims of domestic violence  
5 and twenty percent (20%) of the assessment shall be deposited as general revenue.

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

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

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

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

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

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

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

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

=====  
LC003547  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE -- DOMESTIC VIOLENCE PREVENTION ACT

\*\*\*

1           This act would authorize the court to permit residents of Block Island to complete a  
2 court-approved counseling program in domestic violence cases with a provider on Block Island, if  
3 such a program is available on the island. The lack of such a program on the island would not  
4 relieve or exempt a resident from the court ordered counseling.

5           This act would take effect upon passage.

=====  
LC003547  
=====