

2016 -- H 7892

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LC005336
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO TOWNS AND CITIES - GENERAL POWERS

Introduced By: Representatives Maldonado, Barros, Abney, McKiernan, and
Blazejewski

Date Introduced: March 09, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 45-2 of the General Laws entitled "General Powers" is hereby
2 amended by adding thereto the following sections:

3 **45-2-65. Right to counsel.** -- (a) If a city or town elects to prosecute a defendant with an
4 offense that is punishable by imprisonment in any court created under the authority of this title
5 and chapter, the court shall advise the defendant of their right to be represented by counsel and, if
6 the defendant is indigent, the court shall assign counsel to represent the defendant at every stage
7 of the proceeding. The right to council may be waived through a knowing, intelligent, and
8 voluntary waiver, in writing and duly executed on the record in open court.

9 (b) No defendant may be ordered detained at the adult correctional institution for
10 violation of a court order entered as a result of an adjudication that is not punishable by
11 imprisonment in the first instance.

12 **45-2-66. Ability to pay hearings.** -- In any court created under the authority of this title
13 and chapter, the procedures established in §§11-25-15 and 12-6-7.1(b) shall be followed when a
14 defendant is arrested and detained for failure to appear at an ability to pay hearing, whether
15 detained at the adult correctional facility or at a police station.

16 SECTION 2. Section 45-6-2 of the General Laws in Chapter 45-6 entitled "Ordinances"
17 is hereby amended to read as follows:

18 **45-6-2. Imposition of penalties for ordinance violations.** -- Town and city councils
19 may impose penalties for the violation of ordinances and regulations, not exceeding in amount

1 five hundred dollars (\$500) or imprisonment not exceeding thirty (30) days in some jail or house
2 of correction, and/or require restitution in cases involving property damage or personal injury in
3 an amount up to twenty-five hundred dollars (\$2,500) and/or ~~for voluntary~~ require community
4 restitution for a ~~town or city agency~~ not-for-profit entity for not more than ~~ten (10) days~~ fifty (50)
5 hours for any one offense, ~~unless other penalties or penalties within other limits are specially~~
6 ~~prescribed by statute,~~ to be prosecuted by some officer appointed for that purpose, and to be
7 recovered to the use of the town or city, or of the person or persons, and in the proportions, that
8 the councils in their ordinances and regulations designate.

9 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 require that cities and towns comply with certain procedures when
2 prosecuting defendants such as the right to counsel, and would amend the penalties imposed for
3 ordinance violations.

4 This act would take effect upon passage.

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