

2017 -- H 5096

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL HEARINGS

Introduced By: Representatives Knight, Craven, McEntee, Filippi, and Keable

Date Introduced: January 12, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 12-13 of the General Laws entitled "Bail and Recognizance" is  
2 hereby amended by adding thereto the following section:

3           **12-13-26. Time limits for bail hearings.**

4           (a) Whenever any person has been charged with an offense punishable by imprisonment  
5 for life, or an offense involving the use or threat of use of a dangerous weapon by one already  
6 convicted on such an offense or already convicted of an offense punishable by imprisonment for  
7 life, or an offense involving the unlawful sale, distribution, manufacturer, delivery, or possession  
8 with intent to manufacture, sell, distribute or deliver any controlled substance or an offense of  
9 possession of a controlled substance punishable by imprisonment for ten (10) years or more, and  
10 the state objects to bail, then the person shall be entitled to an evidentiary hearing to determine if  
11 the person may be admitted to bail or continue to be held without bail.

12           (b) The bail hearing shall occur no later than four (4) calendar days after the person's  
13 initial appearance before the court on the charge.

14           (c) In the event the bail hearing does not occur within four (4) calendar days, the person  
15 shall be released upon their own recognizance or with sufficient surety or sureties as determined  
16 by the court.

17           (d) The time limit for the hearing may be waived by the person so charged, after they  
18 have been informed by the court of their rights pursuant to this section.

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SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO CRIMINAL PROCEDURE -- BAIL HEARINGS

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1           This act would entitle criminal defendants charged with enumerated serious criminal  
2 offenses to a bail hearing within four (4) calendar days of their initial court appearance. If a  
3 timely hearing is not held then the defendant would be released on personal recognizance with  
4 sufficient surety.

5           This act would take effect upon passage.

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