

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO CRIMINAL PROCEDURE - PAY FOR SUCCESS CRIMINAL RECIDIVISM
REDUCTION ACT

Introduced By: Senators Metts, Calkin, Quezada, Crowley, and Jabour

Date Introduced: March 02, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 12 of the General Laws entitled "CRIMINAL PROCEDURE" is
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 33

4 PAY FOR SUCCESS CRIMINAL RECIDIVISM REDUCTION ACT

5 **12-33-1. Short title.**

6 This chapter shall be known and may be cited as the "Pay for Success Criminal
7 Recidivism Reduction Act."

8 **12-33-2. Legislative findings.**

9 (1) The general assembly finds that there are many prevention-focused social service
10 programs and services for criminal justice reform that demonstrably result in positive impacts for
11 individuals and families that are cost beneficial and that efficiently utilize government resources.
12 These programs have the potential to provide substantial savings to the state through reduction in
13 criminal justice costs and increases in employment rates.

14 (2) The general assembly also finds that new, innovative financing models, such as pay
15 for success, are emerging, and these new models allow the upfront investment of funds from
16 nongovernment entities. These upfront investments provide financing needed to provide
17 prevention-focused programs and services. These new, innovative financing models provide an
18 opportunity for governments to shift away from a model of paying service providers for a defined

1 quantity of services to a model where providers are paid only upon the successful achievement of
2 agreed-upon financial and social outcomes.

3 (3) The general assembly further finds that pay for success contracts encourage
4 partnerships between public, private, and philanthropic sectors, emphasize accountability in the
5 rendering of services, and encourage the use of sophisticated program evaluations.

6 (4) The general assembly further finds that these funding models provide an opportunity
7 for the state to support the capacity of Rhode Island based nongovernmental organizations in
8 order to best ensure that this capacity remains in Rhode Island, and effectively implements
9 solutions to locally based systems.

10 (5) In order to best ensure this, any state agency that enters into a Pay for success contract
11 with a nongovernmental organization should prioritize funding for local capacity, if that capacity
12 exists. The general assembly finds that before any state agency can enter into a pay for success
13 contract with a nongovernmental agency, there must be a well-established and verified formula
14 for recidivism reduction that equates clearly to future state savings.

15 (6) The general assembly supports any program design that adheres to best practices and
16 is demonstrated to effectively reduce recidivism. Because a large body of evidence demonstrates
17 that in order to be successful, a reentry program must address the multiple need areas and risk
18 factors associated with recidivism, any pay for success project should include a specific plan and
19 funding to address these dynamic needs. These areas, include, employment, housing, addiction,
20 transportation, education, and criminogenic thinking.

21 **12-33-3. Definitions.**

22 (1) "Criminal justice reform service" means any private nongovernmental organization or
23 entity whose primary business is providing criminal recidivism prevention programs.

24 (2) "Pay for success financing model" means any criminal justice reform service who
25 provides anti-recidivism services including, but not limited to, employment opportunities,
26 addiction counseling, housing, transportation and education and whose services have a proven
27 record at increasing long-term employment or recidivism for the reentry population.

28 **12-33-4. Pay for success criminal justice reform.**

29 (a) The director of the department of public safety shall promulgate rules and regulations
30 necessary to implement a program which utilizes criminal justice reform services which are
31 approved by the director to provide Pay for success criminal justice reform.

32 (b) Funding for programs approved pursuant to this section shall be paid only when
33 approved by the director based upon the program's success, and paid using funds from the general
34 fund not otherwise appropriated.

1 (c) Programs approved pursuant to this section shall provide to the director data which
2 indicates a well-established and verified formula or plan for recidivism reduction that produces
3 results and clearly equates to future state savings, including data reflecting a reduction in prison
4 bed days.

5 (d) Programs approved pursuant to this section shall be awarded to Rhode Island
6 companies whenever permissible.

7 **12-33-5. Severability.**

8 If any provision of this chapter or the application of it to any person or circumstances is
9 held invalid, the invalidity shall not affect other provisions or applications of this chapter which
10 can be given effect without the invalid provisions or application, and to this end the provision of
11 this chapter are declared to be severable.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE - PAY FOR SUCCESS CRIMINAL RECIDIVISM
REDUCTION ACT

- 1 This act would provide for the contracting with criminal justice reform services which
- 2 provide pay for success criminal justice reform programs.
- 3 This act would take effect upon passage.

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