

2018 -- S 2092

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT

Introduced By: Senators Calkin, Quezada, Sheehan, Seveney, and Goldin

Date Introduced: January 18, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-56-10 of the General Laws in Chapter 42-56 entitled
2 "Corrections Department" is hereby amended to read as follows:

3 **42-56-10. Powers of the director.**

4 In addition to exercising the powers and performing the duties, which are otherwise given
5 to him or her by law, the director of the department of corrections shall:

6 (1) Designate, establish, maintain, and administer those state correctional facilities that he
7 or she deems necessary, and may discontinue the use of those state correctional facilities that he
8 or she deems appropriate for that action;

9 (2) Maintain security, safety, and order at all state correctional facilities, utilize the
10 resources of the department to prevent escapes from any state correctional facility, take all
11 necessary precautions to prevent the occurrence or spread of any disorder, riot, or insurrection of
12 any state correctional facility, including, but not limited to, the development, planning, and
13 coordination of emergency riot procedures, and take suitable measures for the restoration of
14 order;

15 (3) Establish and enforce standards for all state correctional facilities;

16 (4) Supervise and/or approve the administration by the assistant directors of the
17 department;

18 (5) Manage, direct, and supervise the operations of the department;

19 (6) Direct employees in the performance of their official duties;

- 1 (7) Hire, promote, transfer, assign, and retain employees and suspend, demote, discharge,
2 or take other necessary disciplinary action;
- 3 (8) Maintain the efficiency of the operations of the department;
- 4 (9) Determine the methods, means, and personnel by which those operations of the
5 department are to be conducted;
- 6 (10) Relieve employees from duties because of lack of work or for other legitimate
7 reasons;
- 8 (11) Establish, maintain, and administer programs, including, but not limited to,
9 education, training, and employment, of persons committed to the custody of the department,
10 designed as far as practicable to prepare and assist each person to assume the responsibilities and
11 exercise the rights of a citizen of this state;
- 12 (12) Establish a system of classification of persons committed to the custody of the
13 department for the purpose of developing programs for each person in order to effectively
14 develop an individualized program for each sentenced inmate that will address each offender's
15 individual treatment and rehabilitative needs, the department of corrections is authorized to
16 receive, with the express consent of the inmate, and upon request to the department of children,
17 youth and families, the offender's juvenile arrest and/or adjudication records. Information related
18 to the juvenile's family members and other third parties, excluding law enforcement personnel,
19 shall be redacted from the records provided prior to their release to the department. The records
20 will be disclosed to only those department personnel directly responsible for, and only for the
21 purpose of, developing the individualized program for the offender.
- 22 (13) Determine at the time of commitment, and from time to time thereafter, the custody
23 requirements and program needs of each person committed to the custody of the department and
24 assign or transfer those persons to appropriate facilities and programs;
- 25 (14) Establish training programs for employees of the department;
- 26 (15) Investigate grievances and inquire into alleged misconduct within the department;
- 27 (16) Maintain adequate records of persons committed to the custody of the department;
- 28 (17) Establish and maintain programs of research, statistics, and planning, and conduct
29 studies relating to correctional programs and responsibilities of the department;
- 30 (18) Utilize, as far as practicable, the services and resources of specialized community
31 agencies and other local community groups in the development of programs, recruitment of
32 volunteers, and dissemination of information regarding the work and needs of the department;
- 33 (19) Make and enter into any contracts and agreements necessary or incidental to the
34 performance of the duties and execution of the powers of the department, including, but not

1 limited to, contracts to render services to committed offenders, and to provide for training or
2 education for correctional officers and staff;

3 (20) Seek to develop civic interest in the work of the department and educate the public
4 to the needs and goals of the corrections process;

5 (21) Expend annually in the exercise of his or her powers, performance of his or her
6 duties, and for the necessary operations of the department those sums that may be appropriated by
7 the general assembly; and

8 (22) Make and promulgate necessary rules and regulations incident to the exercise of his
9 or her powers and the performance of his or her duties, including, but not limited to, rules and
10 regulations regarding nutrition, sanitation, safety, discipline, recreation, religious services,
11 communication, and visiting privileges, classification, education, training, employment, care, and
12 custody for all persons committed to correctional facilities; provided, however, that no rules and
13 regulations may be promulgated by the director that would allow for the restriction of in-person
14 visitation due to the implementation of electronic on-line tools such as skype, facetime, or other
15 means of electronic communication between an inmate and visitor.

16 (23) Make and promulgate regulations to provide:

17 (a) Written notice to licensed nursing facilities, licensed assisted living residences, and
18 housing for the elderly whenever a person seeking to reside in one of these facilities or residences
19 is being released on parole for any of the following offenses: murder, voluntary manslaughter,
20 involuntary manslaughter, first degree sexual assault, second degree sexual assault, third degree
21 sexual assault, assault on persons sixty (60) years of age or older, assault with intent to commit
22 specified felonies (murder, robbery, rape, or burglary), felony assault, patient abuse, neglect or
23 mistreatment of patients, burglary, first degree arson, felony larceny or robbery;

24 (b) A risk assessment process to identify and recommend safety or security measures
25 necessary for the protection of other residents or clients including whether the parolee should be
26 prohibited from residing in any such facility or residence or segregated from other residents or
27 clients to protect the security and safety of other residents;

28 (c) The written notice to licensed nursing facilities, assisted living residences, or housing
29 for the elderly shall include charge information and disposition about the offense for which the
30 resident or client has been paroled, contact information for the resident's or client's parole
31 supervisor, a copy of the risk assessment and recommendations, if any, regarding safety and
32 security measures. A copy of the written notice shall be provided to the parolee; and

33 (d) A process for notifying the appropriate state regulatory agency and the state long-term
34 care ombudsman whenever notice as required in subdivision 42-56-10(23)(a) above has been

1 given.

2 (24) Notwithstanding the enumeration of the powers of the director as set forth in this
3 section, and notwithstanding any other provision of the general laws, the validity and
4 enforceability of the provisions of a collective bargaining agreement shall not be contested,
5 affected, or diminished, nor shall any arbitration award be vacated, remanded or set aside on the
6 basis of an alleged conflict with this section or with any other provision of the general laws.

7 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 STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT

1 This act would prevent the director of the department of corrections from restricting in-
2 person visitation of inmates in the event that the department implemented electronic visitation or
3 contact, such as skype, between inmates and visitors.

4 This act would take effect upon passage.

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