

2019 -- H 6103

LC002342

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINALS--CORRECTIONAL INSTITUTIONS -- PAROLE

Introduced By: Representatives Barros, Maldonado, Tobon, Diaz, and Cassar

Date Introduced: May 10, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 13-8 of the General Laws entitled "Parole" is hereby amended by adding thereto the following section:

13-8-35. Early termination of parole.

(a) Upon its own motion or upon request of a parolee, the parole board may terminate a parolee's supervision, and legal custody over the parolee and subsequent probation, before the sentence expires.

(1) Seven (7) years after releasing a prisoner on supervision, and at least annually thereafter, the parole board shall review the status of the parolee to determine the need for continued supervision. The parole board shall also conduct a status review whenever the supervision officer recommends early termination of the parolee's supervision.

(2) Seven (7) years after releasing a prisoner on supervision, excluding a parolee serving a life sentence for first or second degree murder, the parole board shall terminate supervision over the parolee unless the parole board determines, after a hearing in accordance with this chapter, that such supervision should not be terminated because there is a likelihood that the parolee will engage in conduct violating any criminal law. If the parole board does not terminate supervision under this subsection, the parolee may request a hearing annually thereafter, and the parole board shall conduct an early termination hearing at least every two (2) years.

(3) In calculating the two (2) year and seven (7) year periods provided in this section, the parole board shall not include any period of parole before the recent release, or any period served

1 in confinement or any other sentence.

2 (4) A parolee may not appeal an adverse decision under this section.

3 (b) In determining whether to grant early termination from supervision, the parole board
4 shall consider its guidelines under this section. The guidelines are advisory and the parole board
5 may disregard the outcome indicated by the guidelines based on case-specific factors.

6 Termination of supervision is indicated if the parolee:

7 (1) Has been on supervised parole for the required period;

8 (2) Has observed all the laws within and without the state;

9 (3) Has been employed and remains employed at the time of the request; and

10 (4) Has completed seven (7) continuous years of supervision and is free from an incident
11 of new criminal behavior or serious parole violation;

12 (c) As used in this section, the term an incident of new criminal behavior or serious
13 parole violation includes a new arrest or report of a parole violation if supported by substantial
14 evidence of guilt, even if no conviction or parole revocation results. The parole board shall not
15 terminate supervision until it determines the disposition of a pending criminal charge.

16 (d) Case-specific factors that may justify a departure either above or below the early
17 termination may relate to the current behavior of the parolee, or the parolees background and
18 criminal history.

19 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 CRIMINALS--CORRECTIONAL INSTITUTIONS -- PAROLE

- 1 This act would, upon its own motion or upon request of a parolee, enable the parole board
2 to terminate a parolee's supervision and legal custody order. Prisoners with a life sentence for first
3 and second degree murder are excluded.
4 This act would take effect upon passage.

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