

2021 -- H 5488

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL OFFENSES – GENERAL PROVISIONS

Introduced By: Representatives Felix, Batista, Lombardi, Henries, and Morales

Date Introduced: February 10, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-1-2 of the General Laws in Chapter 11-1 entitled "General
2 Provisions" is hereby amended to read as follows:

3 **11-1-2. Felony, misdemeanor -- Petty misdemeanor, and violation distinguished.**

4 Unless otherwise provided, any criminal offense which at any given time may be punished
5 by imprisonment for a term of more than one year, or by a fine of more than one thousand dollars
6 (\$1,000), is declared to be a felony; any criminal offense which may be punishable by imprisonment
7 for a term not exceeding ~~one year~~ three hundred and sixty-four (364) days, or by a fine of not more
8 than one thousand dollars (\$1,000), or both, is declared to be a misdemeanor; any criminal offense
9 which may be punishable by imprisonment for a term not exceeding six (6) months or by a fine of
10 not more than five hundred dollars (\$500), or both, is declared to be a petty misdemeanor; and any
11 offense which may be punished by only a fine of not more than five hundred dollars (\$500) is
12 declared to be a violation.

13 SECTION 2. Chapter 11-1 of the General Laws entitled "General Provisions" is hereby
14 amended by adding thereto the following section:

15 **11-1-12. Misdemeanor conviction - Term of imprisonment.**

16 (a) Notwithstanding any provision of the general or public laws to the contrary, whenever
17 the phrase "one year" or "three hundred and sixty-five (365) days" or any similar phrase appears
18 in any provision of this title or any other provision in reference to the definite sentence or maximum
19 definite sentence of imprisonment that is or may be imposed after enactment of this section, for a

1 misdemeanor conviction in this state, such phrase shall mean, be interpreted as, and be applied as
2 three hundred sixty-four (364) days.

3 (b) This section shall apply to all persons who are sentenced on or after the effective date
4 of this section.

5 (c) Nothing in this section is intended nor shall be construed to diminish or abrogate any
6 rights or remedies otherwise available to an individual sentenced for any offense in this state.

7 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 reduce the maximum sentence for a misdemeanor from one year to three
- 2 hundred and sixty-four (364) days, and would apply to all persons sentenced after its effective date.
- 3 This act would take effect upon passage.

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