

2021 -- S 0135

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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 STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT

Introduced By: Senators Calkin, Acosta, Anderson, Mack, Mendes, Bell, and Quezada

Date Introduced: January 26, 2021

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 "Corrections
2 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 or
8 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 order;

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

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

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

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

19 (7) Hire, promote, transfer, assign, and retain employees and suspend, demote, discharge,

1 or take other necessary disciplinary action;

2 (8) Maintain the efficiency of the operations of the department;

3 (9) Determine the methods, means, and personnel by which those operations of the
4 department are to be conducted;

5 (10) Relieve employees from duties because of lack of work or for other legitimate reasons;

6 (11) Establish, maintain, and administer programs, including, but not limited to, education,
7 training, and employment, of persons committed to the custody of the department, designed as far
8 as practicable to prepare and assist each person to assume the responsibilities and exercise the rights
9 of a citizen of this state;

10 (12) Establish a system of classification of persons committed to the custody of the
11 department for the purpose of developing programs for each person in order to effectively develop
12 an individualized program for each sentenced inmate that will address each offender's individual
13 treatment and rehabilitative needs, the department of corrections is authorized to receive, with the
14 express consent of the inmate, and upon request to the department of children, youth and families,
15 the offender's juvenile arrest and/or adjudication records. Information related to the juvenile's
16 family members and other third parties, excluding law enforcement personnel, shall be redacted
17 from the records provided prior to their release to the department. The records will be disclosed to
18 only those department personnel directly responsible for, and only for the purpose of, developing
19 the individualized program for the offender;

20 (13) Determine at the time of commitment, and from time to time thereafter, the custody
21 requirements and program needs of each person committed to the custody of the department and
22 assign or transfer those persons to appropriate facilities and programs;

23 (14) Establish training programs for employees of the department, including the use of an
24 application system for the department's correctional officer training academy that leverages other
25 law enforcement entity recruiting and the establishment of any fee associated with such system,
26 provided that a state application process compliant with § 28-6.3-1 also be provided;

27 (15) Investigate grievances and inquire into alleged misconduct within the department;

28 (16) Maintain adequate records of persons committed to the custody of the department;

29 (17) Establish and maintain programs of research, statistics, and planning, and conduct
30 studies relating to correctional programs and responsibilities of the department;

31 (18) Utilize, as far as practicable, the services and resources of specialized community
32 agencies and other local community groups in the development of programs, recruitment of
33 volunteers, and dissemination of information regarding the work and needs of the department;

34 (19) Make and enter into any contracts and agreements necessary or incidental to the

1 performance of the duties and execution of the powers of the department, including, but not limited
2 to, contracts to render services to committed offenders, and to provide for training or education for
3 correctional officers and staff;

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

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

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

17 (23) Make and promulgate regulations to provide:

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

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

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

34 (d) A process for notifying the appropriate state regulatory agency and the state long-term

1 care ombudsman whenever notice as required in subsection (23)(a) of this section has been 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 enforceability
4 of the provisions of a collective bargaining agreement shall not be contested, affected, or
5 diminished, nor shall any arbitration award be vacated, remanded or set aside on the basis of an
6 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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