

2023 -- H 5563

LC001043

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Representatives Felix, McEntee, Batista, Craven, Kislak, Alzate, Cruz,  
Potter, Morales, and Henries

Date Introduced: February 15, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-13-1 of the General Laws in Chapter 12-13 entitled "Bail and  
2 Recognizance" is hereby amended to read as follows:

3 **12-13-1. Right to release pending trial on giving of recognizance.**

4 (a) Felony cases. Every person who is held on any criminal process to answer to any  
5 indictment, information, or complaint against him or her shall be released upon giving recognizance  
6 with sufficient surety or sureties before a justice of the supreme or superior court or before a justice  
7 of the district court, when the complaint is pending in that court or the person is held to answer to  
8 that court, in the sum named in the process, if any has been named in it, and if none is named, then  
9 in any sum that the justice shall deem reasonable, to appear before the court where the indictment,  
10 information, or complaint is pending against him or her, or to which he or she may be bound over  
11 to appear, to answer to the indictment, information, or complaint, and to answer to it whenever  
12 called upon so to do, and abide the final order of the court, and in the meantime keep the peace and  
13 be of good behavior. Any justice may take the recognizance in any place within the state, and the  
14 recognizance shall be returned to the court to which the accused has recognized to appear.

15 (b) Misdemeanor cases:

16 (1) Every person who is subject to any misdemeanor criminal process shall be released  
17 without bail but on their own recognizance and an order to abide by any conditions set by the court.

18 (2) Release on non-monetary conditions shall be applied to assure the presence of the  
19 accused in court as required and to protect the safety of the community.

1 [\(c\) In every case, the setting of bail and conditions shall be subject to § 12-13-1.3\(e\).](#)

2 SECTION 2. 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 prohibit the courts from setting cash or surety bail on any misdemeanor  
2 offense but would permit the court to set reasonable non-monetary conditions of bail to assure the  
3 defendant's presence in court as required and to protect the community.  
4           This act would take effect upon passage.

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