

2024 -- S 2223

LC003984

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT

Introduced By: Senators LaMountain, Raptakis, Burke, and Tikoian

Date Introduced: January 24, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-56-24 of the General Laws in Chapter 42-56 entitled "Corrections
2 Department" is hereby amended to read as follows:

3 **42-56-24. Earned time for good behavior or program participation or completion.**

4 (a) A person serving a sentence of a violation of § 11-5-1 (where the specified felony is
5 murder), § 11-23-1, § 11-26-1.4, § 11-37-2, § 11-37-8.1, or § 11-37-8.3 shall not be eligible to earn
6 time off their term or terms of incarceration for good behavior.

7 (b) The director, or his or her designee, shall keep a record of the conduct of each prisoner,
8 and for each month that a prisoner who has been sentenced to imprisonment for six (6) months or
9 more and not under sentence to imprisonment for life, appears by the record to have faithfully
10 observed all the rules and requirements of the institutions and not to have been subjected to
11 discipline, and is serving a sentence imposed for violation of sexual offenses under § 11-37-4, §
12 11-37-6, § 11-37-8, or § 11-9-1.3 there shall, with the consent of the director of the department of
13 corrections, or his or her designee, upon recommendation to him or her by the assistant director of
14 institutions/operations, be deducted from the term or terms of sentence of that prisoner the same
15 number of days that there are years in the term of his or her sentence; provided, that when the
16 sentence is for a longer term than ten (10) years, only ten (10) days shall be deducted for one
17 month's good behavior; and provided, further, that in the case of sentences of at least six (6) months
18 and less than one year, one day per month shall be deducted.

19 For the purposes of this subsection computing the number of days to be deducted for good

1 behavior, consecutive sentences shall be counted as a whole sentence. This subsection recognizes
2 the serious nature of sex offenses; promotes community safety and protection of the public; and
3 maintains the ability of the department of corrections to oversee the rehabilitation and supervision
4 of sex offenders.

5 (c) For all prisoners serving sentences of more than one month, and not serving a sentence
6 of imprisonment for life or a sentence imposed for a violation of the offenses identified in
7 subsection (a) or (b) of this section the director, or his or her designee, shall keep a record of the
8 conduct of each prisoner, and for each month that prisoner has faithfully observed all the rules and
9 requirements of the institutions and has not been subjected to discipline, there shall, with the
10 consent of the director of the department of corrections or his or her designee and upon
11 recommendation by the assistant director of institutions/operations, be deducted from the term or
12 terms of sentence of that prisoner ten (10) days for each month's good behavior.

13 (d) For every day a prisoner shall be shut up or otherwise disciplined for bad conduct, as
14 determined by the assistant director, institutions/operations, subject to the authority of the director,
15 there shall be deducted one day from the time he or she shall have gained for good conduct.

16 (e) The assistant director, or his or her designee, subject to the authority of the director,
17 shall have the power to restore lost good conduct time in whole or in part upon a showing by the
18 prisoner of subsequent good behavior and disposition to reform.

19 (f) For each month that a prisoner who has been sentenced to imprisonment for more than
20 one month and not under sentence to imprisonment for life has faithfully engaged in institutional
21 industries there shall, with the consent of the director, upon the recommendation to him or her by
22 the assistant director, institutions/operations, be deducted from the term or terms of the prisoner an
23 additional two (2) to five (5) days a month.

24 (g) Except those prisoners serving a sentence imposed for violation of subsection (a) or (b)
25 of this section, for each month that a prisoner who has been sentenced to imprisonment for more
26 than one month and not under sentence to imprisonment for life has participated faithfully in
27 programs that have been determined by the director or his/her designee to address that prisoner's
28 individual needs that are related to his/her criminal behavior, there may, with the consent of the
29 director and upon the recommendation of the assistant director, rehabilitative services, be deducted
30 from the term or terms of the prisoner up to an additional five (5) days a month. Furthermore,
31 whenever the prisoner has successfully completed such program, there may; with the consent of
32 the director and upon the recommendation by the assistant director, rehabilitative services, be
33 deducted from the term or terms of the prisoner up to an additional thirty (30) days.

34 (h)(1) A person who is serving a term or terms of a probation sentence of one year or

1 longer, including a person who has served a term of incarceration followed by a probation sentence,
2 except those serving a term of probation for a sentence in violation of § 11-5-1 (where the specified
3 felony is murder or sexual assault), § 11-23-1, § 11-26-1.4, § 11-37-2, § 11-37-8.1, ~~or § 11-37-8.3.~~
4 [or § 31-27-2.2](#) shall upon serving three years of their probation sentence be eligible to earn time
5 off their term or terms of the probation sentence for compliance with court-ordered terms and
6 conditions of probation. Calculation of these credits shall commence upon the probationer's
7 completion of all terms of incarceration.

8 (2) The director, or his or her designee, shall keep a record of the conduct of each
9 probationer. For each month that the probationer has not had a judicial finding of a violation of
10 conditions of probation, there shall, with the consent of the director of the department of
11 corrections, or designee, upon recommendation of the assistant director of institutions/operations,
12 or designee, be deducted from the term or terms of the probationer's sentence ten (10) days for each
13 month's compliance with the terms and conditions of his or her probation.

14 (3) For each month that a violation of probation is pending the probationer shall not be
15 eligible to earn probation compliance credits. In the event there is a judicial determination that the
16 probationer did not violate his or her terms and conditions of probation, credit will be awarded
17 retroactive to the date of the filing of the probation violation. In the event there is a judicial
18 determination that the probationer did violate his or her terms and conditions of probation, the
19 probationer shall not be awarded compliance credits for the time during which the violation was
20 pending, and further, the court may order revocation of prior earned compliance credits.

21 (4) The probation department of the department of corrections shall keep a record of the
22 probationer's sentence to include the person's end of sentence date based on earned credits for
23 compliance with their terms and conditions of probation.

24 (5) This section shall apply to all individuals sentenced to probation, including those
25 sentenced prior to enactment of the statute. However, the award of probation compliance credits
26 shall be prospective only from the date of enactment of the statute.

27 SECTION 2. This act shall take effect upon passage.

=====
LC003984
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT

1 This act would prohibit defendants who are serving probation for driving under the
2 influence death resulting from earning good time off their probationary period.

3 This act would take effect upon passage.

=====
LC003984
=====