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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- THE RHODE ISLAND FIRST STEP ACT

Introduced By: Representatives J. Lombardi, Hull, Ajello, Potter, Stewart, and Felix

Date Introduced: January 22, 2025

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Policy and findings.

2 The general assembly finds and declares that sentence reductions for various inmates
3 serving lengthy terms of imprisonment are appropriate and hereby enacts chapter 19.4 of title 12 in
4 furtherance of that finding.

5 SECTION 2. Title 12 of the General Laws entitled "CRIMINAL PROCEDURE" is hereby
6 amended by adding thereto the following chapter:

7 CHAPTER 19.4

8 THE RHODE ISLAND FIRST STEP ACT

9 **12-19.4-1. Short title.**

10 This chapter shall be known and cited as "The Rhode Island First Step Act".

11 **12-19.4-2. Definitions.**

12 As used in this chapter:

13 (1) "Department" means the Rhode Island department of corrections.

14 (2) "Eligible elderly inmate" means an inmate in the custody of the department:

15 (i) Who is not less than sixty-five (65) years of age;

16 (ii) Who has served at least two-thirds (2/3) of the term of imprisonment to which the
17 inmate was sentenced and in the case of an inmate serving a life sentence, that has served at least
18 the minimum term of years required before parole eligibility; and

19 (iii) Who does not have a history of violence while incarcerated, has not attempted to

1 escape or escaped during the inmate's term of imprisonment and who has not engaged in conduct
2 which would place the individual at substantial risk of re-offending or endangering any person if
3 released to pre-release confinement.

4 (3) "Eligible terminally ill inmate" means an inmate in the custody of the department:

5 (i) Who has been determined by a licensed physician approved by the department to be:

6 (A) In need of care at a nursing home, intermediate care facility, or assisted living facility
7 as those terms are defined in the National Housing Act § 232, (12 U.S.C. 1715w); or

8 (B) Diagnosed with a terminal illness.

9 (ii) Who has served at least two-thirds (2/3) of the term of imprisonment to which the
10 inmate was sentenced and in the case of an inmate serving a life sentence, that has served at least
11 the minimum term of years required before parole eligibility; and

12 (iii) Who does not have a history of violence while incarcerated, has not attempted to
13 escape or escaped during the inmate's term of imprisonment and who has not engaged in conduct
14 which would place the individual at substantial risk of re-offending or endangering any person if
15 released to pre-release confinement.

16 (4) "Functional literacy" means an eighth-grade equivalence in reading and mathematics
17 on a nationally recognized standardized test or functional competency or literacy on a nationally
18 recognized criterion-referenced test.

19 (5) "Prerelease custody" means and shall include home confinement, a residence in a
20 community treatment center, restitution center, mental health facility, alcohol or drug rehabilitation
21 center or other community facility or halfway house under the supervision of the department.

22 (6) "Terminal illness" means a disease or condition with an end-of-life trajectory.

23 **12-19.4-3. Sentencing factors to be considered.**

24 The court, in determining whether to impose a term of imprisonment for any inmate
25 convicted of a crime, shall consider the following:

26 (1) The seriousness of the offense, the history and characteristics of the inmate, the need
27 for rehabilitation, substance abuse treatment, mental health treatment, the need for educational or
28 vocational training and the inmate's prior criminal history.

29 (2) Notwithstanding the provisions of this chapter or the provisions of rules of criminal
30 procedure for the superior court of Rhode Island, rule 35, a judgment of conviction that includes
31 such a sentence constitutes a final judgment for all other purposes.

32 **12-19.4-4. Dignity for female inmates.**

33 (a) The department shall not shackle any female inmate who is pregnant while incarcerated.
34 This ban shall continue for a period of three (3) months after the ending of the pregnancy.

1 **(b) The department shall provide and make available to all female inmates sanitary napkins**
2 **and tampons at no cost.**

3 **12-19.4-5. Modification of an imposed term of imprisonment.**

4 **(a) The court may modify a term of imprisonment, upon motion of the department or upon**
5 **motion of the inmate if it finds that:**

6 **(1) Extraordinary and compelling reasons warrant such a reduction; or**

7 **(2) The inmate is at least sixty-five (65) years of age, has served at least two-thirds (2/3)**
8 **of the sentence for the offense or offenses for which the inmate is currently imprisoned, and a**
9 **determination has been made by the director that the inmate is not a danger to the safety of any**
10 **other person or the community.**

11 **(b) The court may modify an imposed term of imprisonment to the extent otherwise**
12 **expressly permitted by statute or by the rules of criminal procedure for the superior court of Rhode**
13 **Island, rule 35.**

14 **(c) In the case of an inmate who has been sentenced to a term of imprisonment based on a**
15 **sentencing provision that has subsequently been reduced, the court may reduce the term of**
16 **imprisonment, after considering the factors set forth in this section.**

17 **12-19.4-6. Notification requirements- Modification based on terminal illness.**

18 **Notification. The department shall, subject to any applicable confidentiality requirement,**
19 **in the case of an inmate diagnosed with a terminal illness:**

20 **(1) Not later than seventy-two (72) hours after the diagnosis, notify the inmate's attorney,**
21 **family members, or health care designee of the inmate's condition and advise them that they may**
22 **prepare a request for sentence reduction on the inmate's behalf;**

23 **(2) Not later than seven (7) days after the date of the diagnosis, provide the inmate's**
24 **attorney, family members, or health care designee an opportunity to visit the inmate in person,**
25 **regardless of whether the inmate is being housed in a prison facility or hospital;**

26 **(3) Upon request from the inmate, family member or health care designee, ensure that the**
27 **department personnel assist the inmate, if not represented by counsel, in the preparation, drafting**
28 **and submission of a motion for sentence reduction, or assist them in preparing a request that counsel**
29 **be appointed to represent the inmate if the inmate otherwise qualifies for the services of the public**
30 **defender or court appointed counsel;**

31 **(4) Not later than fourteen (14) days of receipt of a request for a sentence reduction, process**
32 **said request; and**

33 **(5) Ensure that all department facilities regularly and visibly post, including in inmate**
34 **handbooks, staff training manuals and materials, facility law libraries and medical and hospice**

1 facilities, and make available to inmates upon demand, notice of:

2 (i) An inmate's ability to request a sentence reduction pursuant to this chapter;

3 (ii) The procedures and timelines for initiation and resolving requests for sentence
4 reductions; and

5 (iii) The right to reapply to the parole board sixty (60) days after denial of application
6 pursuant to § 13-8.1-4.

7 **12-19.4-7. Release of an inmate.**

8 (a) An inmate shall be released by the department on the date of the expiration of the
9 inmate's term of imprisonment, less any time credited toward the service of the inmate's sentence
10 as provided in subsection (b) of this section. If the date for an inmate's release falls on a Saturday,
11 Sunday, or legal holiday, the inmate shall be released by the department on the last preceding
12 weekday.

13 (b) An inmate who is serving a term of imprisonment of more than one year, other than a
14 term of imprisonment for the duration of the inmate's life, may receive credit toward the service of
15 the inmate's sentence, beyond the time served, of up to one-hundred twenty (120) days at the end
16 of each year of the inmate's term of imprisonment, beginning at the end of the first year of the term,
17 subject to determination by the department that, during that year, the inmate has displayed
18 exemplary compliance with institutional disciplinary regulations. In the case of an inmate serving
19 a life sentence, the inmate may receive credit toward their parole eligibility date of up to seventy-
20 five (75) days at the end of each year. No inmate shall receive credit toward the service of their
21 sentence if the department determines that, during that year, the inmate has not satisfactorily
22 complied with the institutional regulations, or has incurred disciplinary infractions in violation of
23 any institutional regulation. Provided, however, the department may award the inmate such lesser
24 credit as the department determines to be appropriate after considering the nature and frequency of
25 the violations. The department shall also consider whether the inmate, during the relevant period,
26 has earned, or is making satisfactory progress toward earning, a high school or college diploma or
27 equivalent degree or has worked in prison industries, in any form of employment, during the period
28 of their incarceration.

29 (c) The department shall ensure that it has in effect an optional general educational
30 development (GED) program for inmates who have not earned a high school diploma or its
31 equivalent.

32 (d) The department shall ensure that an inmate serving a term of imprisonment spends a
33 portion of the final months of that term, but in no event not more than twelve (12) months, in pre-
34 release custody, under conditions that will afford that inmate a reasonable opportunity to adjust to

1 and prepare for the reentry of that inmate into the community.

2 (e) The authority under this chapter may be used to place an inmate in pre-release custody
3 for a term of ten percent (10%) of the remaining term of imprisonment of that inmate or six (6)
4 months, whichever is longer. The department shall place inmates with lower risk levels and lower
5 needs on home confinement for the maximum amount of time permitted under this subsection.
6 Those inmates who are not considered to be low risk levels or those not with lower needs shall also
7 be considered for pre-release custody; provided that, the term in pre-release custody shall not
8 exceed five percent (5%) of the remaining term of imprisonment of that inmate or four (4) months,
9 whichever is longer.

10 (f) The division of parole and probation shall, to the extent practicable, offer assistance
11 with job placement, counseling services and medical services to an inmate during pre-release
12 custody pursuant to subsection (e) of this section.

13 (g) The department shall promulgate rules and regulations to implement the provisions of
14 this chapter pursuant to this section not later than ninety (90) days after the effective date of this
15 chapter, which shall ensure that placement in pre-release custody in a community is:

16 (1) Conducted in a manner consistent with this section;

17 (2) Determined on an individual basis; and

18 (3) Of sufficient duration to provide the greatest likelihood of successful reintegration into
19 the community.

20 **12-19.4-8. Allotment of clothing, funds and transportation.**

21 Upon the release of an inmate on the expiration of the inmate's term of imprisonment, the
22 department shall furnish the inmate with:

23 (1) Suitable clothing;

24 (2) If the inmate is considered indigent, an amount of money, not more than five hundred
25 dollars (\$500), determined by the department to be consistent with the needs of the inmate and the
26 public interest; and

27 (3) Transportation to the inmate's bona fide residence within the state; provided, however,
28 that no transportation shall be provided to a place outside of this state if the inmate is a Rhode
29 Island resident or if the inmate has not obtained approval from the department to transfer inmate's
30 probation/parole to another state.

31 **12-19.4-9. Mandatory functional literacy requirement.**

32 (a) The department shall have in effect a mandatory functional literacy program for all
33 mentally capable inmates who are not functionally literate in each correctional institution within
34 six (6) months from the effective date of this chapter.

1 **(b) Each mandatory functional literacy program shall include a requirement that each**
2 **inmate participate in such program for a mandatory period sufficient to provide the inmate with an**
3 **adequate opportunity to achieve functional literacy, and appropriate incentives which lead to**
4 **successful completion of such programs shall be developed and implemented.**

5 **(c) Non-English speaking inmates shall be required to participate in an English-as-a-second**
6 **language program until they function at an eighth grade equivalence on a nationally recognized**
7 **educational achievement test, or until the expiration of their sentence, whichever comes first.**

8 **12-19.4-10. Release from confinement.**

9 **(a) The department shall establish pre-release planning procedures that help inmates**
10 **acclimate back into society. The planning procedures shall include providing inmates with**
11 **information in the areas of education, vocational training, employment opportunities, the**
12 **availability of medical care, mental health and substance abuse counseling and community**
13 **resources that would otherwise assist them upon their release.**

14 **(b) The department shall inform a person who is released from prison and required to**
15 **register under the sexual offender registration and community notification requirements of chapter**
16 **37.1 of title 11 as they apply to that person.**

17 **(c) The department shall assist inmates, prior to release from a term of imprisonment, in**
18 **obtaining a social security card, driver's license or other official photo identification, and a birth**
19 **certificate.**

20 **(d) The department, the state and its agencies, officers, and employees shall be immune**
21 **from liability based on good faith conduct in carrying out the provisions of this section.**

22 **12-19.4-11. Recidivism prevention.**

23 **(a) In order to prevent recidivism, increase public safety, rebuild ties between inmates and**
24 **their families and to encourage the development of and expand the availability of the evidence**
25 **based programs such as substance abuse treatment, the department, through its division of probation**
26 **and parole, shall provide sufficient transitional services for up to one year to include education,**
27 **vocational training, employment opportunities, the availability of medical care, mental health and**
28 **substance abuse counseling and community resources that would otherwise assist them upon their**
29 **release.**

30 **(b) In order to achieve these goals, the department shall:**

31 **(1) Assess each inmate's skill level, including academic, vocational, health, cognitive,**
32 **interpersonal, daily living, and related reentry skills, at the beginning of the term of imprisonment**
33 **of that inmate to identify any areas in need of improvement prior to reentry;**

34 **(2) Generate a skills development plan for each inmate to monitor skills enhancement and**

1 reentry readiness throughout incarceration;

2 (3) Ensure that priority is provided to the reentry needs of high-risk populations, such as
3 sex offenders, career criminals, and inmates with mental health problems;

4 (4) Coordinate and collaborate with other agencies including the department of health and
5 criminal justice community-based organizations, and faith-based organizations to assist in
6 effectuating a seamless reintegration of inmates into communities;

7 (5) Collect information regarding an inmate's family relationships, parental
8 responsibilities, and contacts with children to assist inmates maintain important familial
9 relationships and support systems during incarceration and after release from custody; and

10 (6) Provide incentives, as the department deems appropriate, for inmate participation in
11 skills development programs.

12 **12-19.4-12. Elderly and terminally ill inmates.**

13 (a) The department shall establish a program to determine the effectiveness of removing
14 eligible elderly inmates and eligible terminally ill inmates from a prison facility and placing such
15 inmates in pre-release custody until the expiration of the prison term to which the inmate was
16 sentenced.

17 (b) In carrying out the program as described in this section, the department may release
18 some or all eligible elderly inmates and eligible terminally ill inmates from a prison facility to pre-
19 release custody.

20 (c) A violation by an eligible elderly inmate or eligible terminally ill inmate of the terms
21 of pre-release custody, or the commission of another offense while in pre-release custody, shall
22 result in the return of that inmate to the designated institution in which that inmate was imprisoned
23 immediately before placement in pre-release custody or to another appropriate institution, as
24 determined by the department.

25 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE -- THE RHODE ISLAND FIRST STEP ACT

1 This act would establish the Rhode Island first step program requiring the department of
2 corrections to assist inmates with reintegration into society, provide them with counseling, medical
3 care, and education and provide for modification of imprisonment or relocation to pre-release
4 confinement for elderly and terminally ill inmates.

5 This act would take effect upon passage.

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