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LC003852

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Representatives Felix, McEntee, Craven, Cruz, Ajello, Morales, Potter, Alzate, and J. Lombardi

Date Introduced: January 21, 2026

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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RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

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

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