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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- SUPERIOR COURT

Introduced By: Senators Tikoian, Ciccone, LaMountain, Bissailon, McKenney, Burke,  
Raptakis, Quezada, and Dimitri

Date Introduced: March 13, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-2-39.2 of the General Laws in Chapter 8-2 entitled "Superior  
2 Court" is hereby amended to read as follows:

3 ~~8-2-39.2. Drug court magistrate — Appointment, duties and powers~~ **Recovery court**  
4 **magistrate -- Appointment, duties and powers.**

5 (a) For the purposes of this chapter:

6 (1) "Non-violent" means and includes all charges that are not crimes of violence, the  
7 following being a list of all charges considered to be crimes of violence for the purposes of this  
8 section: murder, manslaughter, first-degree arson, kidnapping with intent to extort, robbery, first-  
9 degree sexual assault, second-degree sexual assault, first- and second-degree child molestation,  
10 assault, assault with intent to murder, assault with intent to rob, assault with intent to commit first-  
11 degree sexual assault, entering a dwelling house with intent to commit murder, robbery, or sexual  
12 assault.

13 (2) "Drug-addicted person" means a person who exhibits a maladaptive pattern of behavior  
14 resulting from drug use, including one or more of the following: impaired control over drug use;  
15 compulsive use; and/or continued use despite harm, and craving.

16 (b) There is hereby created within the superior court the position of ~~drug~~ recovery court  
17 magistrate who shall be appointed by the presiding justice of the superior court with the advice and  
18 consent of the senate. The persons appointed to serve as ~~drug~~ recovery court magistrates shall be  
19 members of the bar of Rhode Island. The powers and duties of the ~~drug~~ recovery court magistrate

1 shall be prescribed in the order appointing him or her in addition to those described herein.

2 The drug recovery court magistrate's term shall be ten (10) years and until a successor is  
3 appointed and qualified. Nothing in this section shall prohibit a drug recovery court magistrate from  
4 being reappointed for additional ten-year (10) terms by the presiding justice of the superior court  
5 with the advice and consent of the senate. He or she shall receive a salary equivalent to that received  
6 by the special magistrate assigned to the superior court. The drug recovery court magistrate shall  
7 preside over the adult drug recovery court. The adult drug recovery court program shall combine  
8 the coercive powers of the court with a therapeutic regimen in order to rehabilitate drug addicted  
9 defendants.

10 (c) The drug recovery court magistrate shall be empowered to hear and decide as a superior  
11 court justice all matters relating to those adult offenders who come before the jurisdiction of the  
12 superior court on any offense relating to the offender's participation in the adult drug recovery  
13 court. In addition, the drug recovery court magistrate shall have the power to impose a period of  
14 incarceration upon a plea of guilty or nolo contendere, and also have the power to confine any  
15 person who has been found to be in violation of any conditions previously imposed by the superior  
16 court.

17 (d) The drug recovery court magistrate shall make the final determination as to whether a  
18 defendant is admitted into the program. Individuals meeting the following criteria shall be screened  
19 by staff working at the office of the attorney general upon the department's own referral; upon a  
20 request by counsel entered on behalf of a defendant; upon request by a judge of the superior or  
21 district court, or, in the case of a person waivable by the family court, by a judge of that court; or  
22 the department of corrections for admittance into the adult drug recovery court:

23 (1) The individual is charged with or convicted of an alcohol- or drug-related offense or  
24 with an appropriate non-violent offense.

25 (2) The individual has no pending charges for felony crimes of violence.

26 (3) The individual has no pending charges for delivery of a controlled substance.

27 (4) The defendant is a drug-addicted person.

28 (e) All individuals accepted into drug recovery court will be bound by a drug recovery  
29 court contract, as defined by the adult drug recovery court, that sets forth the court's expectations;  
30 the role and responsibilities of the drug recovery court; the conditions imposed upon and the  
31 responsibilities of the defendant; and the treatment plan goals and strategies. If a defendant fails to  
32 abide by the drug recovery court conditions and orders, he or she may be terminated from the  
33 program by the drug recovery court judge and sentenced as he or she deems appropriate.

34 (f) The drug recovery court magistrate shall be empowered to hear and decide as a superior

1 court justice all matters that may come before the superior court pursuant to chapter 37.1 of title 11  
2 “sexual offender registration and community notification.”

3 (g) The ~~drug~~ recovery court magistrate and/or the presiding justice of the superior court  
4 may fix the venue of any person who is before the superior court as a participant in the adult ~~drug~~  
5 recovery court or who is alleged to be a sexual predator, and who has filed an objection to  
6 community notification.

7 (h) In addition, at the discretion of the presiding justice of the superior court, the drug court  
8 magistrate shall have the duties, responsibilities, and powers authorized in subsections 8-2-39(b),  
9 (c) and (d).

10 (i) The ~~drug~~ recovery court magistrate shall be governed by the commission on judicial  
11 tenure and discipline, chapter 16 of title 8, in the same manner as justices and judges; shall be  
12 subject to all provisions of the canons of judicial ethics or code of judicial conduct; and shall be  
13 subject to all criminal laws relative to judges by virtue of §§ 11-7-1 and 11-7-2.

14 (j) A party aggrieved by an order entered by the ~~drug~~ recovery court magistrate shall be  
15 entitled to a review of the order by a justice of the superior court. Unless otherwise provided in the  
16 rules of procedure of the court, such review shall be on the record and appellate in nature. The  
17 superior court shall, by rules of procedure, establish procedures for reviews of orders entered by a  
18 ~~drug~~ recovery court magistrate, and for enforcement of contempt adjudications of a ~~drug~~ recovery  
19 court magistrate.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- SUPERIOR COURT

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- 1 This act would change the term of drug court to recovery court.
- 2 This act would take effect upon passage.

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