

2019 -- H 5173

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Representatives Lombardi, Craven, Millea, McKiernan, and McEntee

Date Introduced: January 23, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-12-1.7 of the General Laws in Chapter 12-12 entitled
2 "Indictments, Informations and Complaints" is hereby amended to read as follows:

3 ~~12-12-1.7. Motion to dismiss information~~ **Motion to dismiss information or**
4 **complaints.**

5 Within thirty (30) days after a defendant is served with a copy of an information charging
6 him or her with an offense in the superior court or charging him or her with an offense by way of
7 complaint in district court, he or she may move ~~in the superior~~ court to dismiss the information or
8 complaint on the ground that the information or complaint and exhibits appended to it do not
9 demonstrate the existence of probable cause to believe that the offense charged has been
10 committed or that the defendant committed it. Upon the filing of the motion to dismiss the court
11 shall schedule a hearing to be held within a reasonable time.

12 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 permit defendants to file motions to dismiss in district court based on lack
2 of probable cause.

3 This act would take effect upon passage.

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