

2017 -- H 5383

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- DOMESTIC VIOLENCE PREVENTION ACT

Introduced By: Representative Blake Anthony Filippi

Date Introduced: February 03, 2017

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-29-5 of the General Laws in Chapter 12-29 entitled "Domestic  
2 Violence Prevention Act" is hereby amended to read as follows:

3 **12-29-5. Disposition of domestic violence cases. [Effective January 1, 2017.]**

4 (a) Every person convicted of, or placed on probation for, a crime involving domestic  
5 violence or whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo  
6 contendere, in addition to any other sentence imposed or counseling ordered, shall be ordered by  
7 the judge to attend, at his or her own expense, a batterer's intervention program appropriate to  
8 address his or her violent behavior; provided, however, that the court may permit a  
9 servicemember or veteran to complete any court-approved counseling program administered or  
10 approved by the Veterans' Administration. This order shall be included in the conditions of  
11 probation. Failure of the defendant to comply with the order shall be a basis for violating  
12 probation and/or the provisions of § 12-10-12. This provision shall not be suspended or waived  
13 by the court.

14 (1) The court may permit a resident of the town of New Shoreham to complete a court-  
15 approved counseling program administered by a court-approved provider that provides services in  
16 the town of New Shoreham. Provided, the lack or absence of a court-approved program or  
17 provider being available in the town of New Shoreham shall not relieve or exempt a resident of  
18 the town of New Shoreham from a court order to attend a program pursuant to this section.

19 (b) Every person convicted of, or placed on probation for, a crime involving domestic

1 violence, as enumerated in § 12-29-2 or whose case if filed pursuant to § 12-10-12 where the  
2 defendant pleads guilty or nolo contendere, in addition to other court costs or assessments  
3 imposed, shall be ordered to pay a one hundred twenty-five dollar (\$125) assessment. Eighty  
4 percent (80%) of the assessment collected pursuant to this section shall be provided to the Rhode  
5 Island Coalition Against Domestic Violence for programs to assist victims of domestic violence  
6 and twenty percent (20%) of the assessment shall be deposited as general revenue.

7 (c) (1) Every person convicted of an offense punishable as a misdemeanor involving  
8 domestic violence as defined in § 12-29-2 shall:

9 (i) For a second violation be imprisoned for a term of not less than ten (10) days and not  
10 more than one year.

11 (ii) For a third and subsequent violation be deemed guilty of a felony and be imprisoned  
12 for a term of not less than one year and not more than ten (10) years.

13 (2) No jail sentence provided for under this section can be suspended.

14 (3) Nothing in this subsection shall be construed as limiting the discretion of the judges to  
15 impose additional sanctions authorized in sentencing.

16 (d) For the purposes of this section, "batterers intervention program" means a program  
17 which is certified by the batterers intervention program standards oversight committee according  
18 to minimum standards, pursuant to §§ 12-29-5.1, 12-29-5.2, and 12-29-5.3.

19 (e) For purposes of this section, "servicemember" means a person who is presently  
20 serving in the armed forces of the United States, including the Coast Guard, a reserve component  
21 thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,  
22 including the Coast Guard of the United States, a reserve component thereof, or the National  
23 Guard, and has been discharged under other than dishonorable conditions.

24 (f) The court shall indicate on every record of conviction or a plea of nolo contendere for  
25 an offense punishable as a felony involving domestic violence, as defined in § 12-29-2, that the  
26 defendant is prohibited under §§ 11-47-5 and 11-47-5.3 from purchasing, owning, carrying,  
27 transporting, or having in their possession, any firearm(s). The court shall inform the defendant of  
28 their prohibited status and shall order the defendant to surrender any firearm(s) in their  
29 ownership, possession, care, custody or control in accordance with § 11-47-5.3.

30 (g) No proceeds shall be provided to any person if the firearm(s) is destroyed pursuant to  
31 this section.

32 (h) Any firearm(s) used in the commission of the offense leading to the conviction  
33 pursuant to this section shall be forfeited to the state upon conviction.

1 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 CRIMINAL PROCEDURE -- DOMESTIC VIOLENCE PREVENTION ACT

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1           This act would authorize the court to permit residents of the town of New Shoreham to  
2 complete a court-approved counseling program in domestic violence cases with a provider on  
3 New Shoreham, if such a program is available in the town. The lack of such a program on the  
4 island would not relieve or exempt a resident from the court ordered counseling.

5           This act would take effect upon passage.

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