

2010 -- H 7046

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LC00221
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION AND
COMMUNITY NOTIFICATION

Introduced By: Representatives Edwards, Loughlin, Palumbo, Hearn, and Shallcross Smith

Date Introduced: January 07, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-37.1-13 of the General Laws in Chapter 11-37.1 entitled "Sexual
2 Offender Registration and Community Notification" is hereby amended to read as follows:

3 **11-37.1-13. Notification procedures for tiers two (2) and three (3).** -- If after review of
4 the evidence pertaining to a person required to register according to the criteria set forth in section
5 11-37.1-12, the board is satisfied that risk of re-offense by the person required to register is either
6 moderate or high, the sex offender community notification unit of the parole board shall notify
7 the person, in writing, by letter or other documentation:

8 (1) That community notification will be made not less than ten (10) business days from
9 the date of the letter or other document evidencing an intent to promulgate a community notice in
10 accordance with section 11-37.1-12(b), together with the level, form and nature that the
11 notification will take;

12 (2) That unless an application for review of the action is filed within the time specified
13 by the letter or other documentation, which in any case shall not be less than ten (10) business
14 days, by the adult offender subject to community notification, with the criminal calendar judge of
15 the superior court for the county in which the adult offender who is the subject of notification
16 resides or intends to reside upon release, or by the juvenile offender subject to community
17 notification over whom the family court exercises jurisdiction, with the clerk of the family court
18 for the county in which the juvenile offender resides or intends to reside upon release, whose

1 name shall be specified in the letter or other document, requesting a review of the determination
2 to promulgate a community notification, that notification will take place;

3 ~~(3) That should the person subject to community notification, file an application for~~
4 ~~review on or before the date specified by the letter or other documentation, that no community~~
5 ~~notification will take place, unless and until affirmed by the court or, if reversed, until the time~~
6 ~~that the attorney general or his or her designee provides for a notification in accord with the~~
7 ~~reasons specified for the reversal by the court;~~

8 (4) (3) That the person has a right to be represented by counsel of their own choosing or
9 by an attorney appointed by the court, if the court determines that he or she cannot afford counsel;
10 and

11 (5) (4) That the filing of an application for review may be accomplished, in the absence
12 of counsel, by delivering a letter objecting to the notification and/or its level, form or nature,
13 together with a copy of the letter or other documentation describing the proposed community
14 notification, addressed to the judge described in the communication to the clerk of the superior
15 court in the county in which the adult offender resides or intends to reside upon release, or in the
16 case of juvenile offenders over whom the family court exercises jurisdiction, addressed to the
17 judge described in the communication to the clerk of the family court in the county in which the
18 juvenile offender resides or intends to reside upon release.

19 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 prevent any person, subject to community notification, from delaying
- 2 community notification unless and until affirmed by the court.
- 3 This act would take effect upon passage.

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