

2010 -- H 7382

LC01002

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Introduced By: Representative David A. Segal

Date Introduced: February 04, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-19-8 of the General Laws in Chapter 12-19 entitled "Sentence
2 and Execution" is hereby amended to read as follows:

3 **12-19-8. Suspension of sentence and probation by superior or district court. –** (a)
4 Except where the suspension of sentence shall otherwise be prohibited by law, whenever any
5 defendant shall appear for sentence before the superior or district court, the court may impose a
6 sentence and suspend the execution of the sentence, in whole or in part, or place the defendant on
7 probation without the imposition of a suspended sentence. The suspension shall place the
8 defendant on probation for the time and on any terms and conditions that the court may fix.

9 (b) The period of probation, where no sentence is imposed or where sentence is entirely
10 suspended, may be for any period up to the maximum time of sentence provided by applicable
11 statutes. Where sentence is imposed and suspended in part, the term ordered to be served and the
12 period of probation together shall not exceed the maximum time of sentence provided by
13 applicable statutes.

14 (c) The department of probation and parole, in the case of any person whose sentence is
15 subject to its control, or the probationer, may petition the court to terminate any sentence pursuant
16 to this chapter. The department of probation and parole may petition any court of competent
17 jurisdiction, with notification to the attorney general, for any order necessary to effectuate this
18 section only after the prisoner has successfully completed all requirements imposed on him/her,
19 and has demonstrated that he/she is rehabilitated. When determining eligibility under this section

1 the following factors are to be considered: employment; education; community service and
2 whether or not the prisoner has had any subsequent arrests and/or convictions or any other factors
3 that show the person has rehabilitated himself/herself. The court after receiving said petition
4 shall schedule a hearing to determine the status of the petition.

5 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 grant the department of probation and parole the authority to terminate a
2 sentence under its jurisdiction after certain conditions are considered.

3 This act would take effect upon passage.

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