

2010 -- H 7475

LC00945

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS -- PAROLE

Introduced By: Representatives Kilmartin, and DaSilva

Date Introduced: February 11, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 13-8-14.1 of the General Laws in Chapter 13-8 entitled "Parole" is
2 hereby amended to read as follows:

3 **13-8-14.1. Parole standards.** -- (a) At least once each calendar year the parole board
4 shall adopt standards to be utilized by the board in evaluating applications for parole of persons
5 convicted of a criminal offense and sentenced to he adult correctional institutions. These
6 standards shall establish, with the range of parole eligibility set by statute, the portion of a
7 sentence which should be served ~~depending on the likelihood of recidivism as determined by a~~
8 ~~risk assessment~~ upon conviction for each category of criminal offense prior to parole, and shall
9 serve as guidelines for the board in making individual parole determinations.

10 (b) The board shall consider the applicable standard prior to rendering a decision on a
11 parole application, and may make a determination at variance with that standard only upon a
12 finding that the determination is warranted by individualized factors, such as the character and
13 criminal record of the applicant, the nature and circumstances of the offense or offenses for which
14 the applicant was sentenced, the conduct of the applicant while incarcerated, and the criteria set
15 forth in section 13-8-14.

16 (c) In each case where the board grants an application prior to the time set by the
17 applicable standard or denies an application on or after the time set by that standard, the board
18 shall set forth in writing the rationale for its determination.

19 SECTION 2. Sections 42-56-24 and 42-56-26 of the General Laws in Chapter 42-56

1 entitled "Corrections Department" are hereby amended to read as follows:

2 ~~42-56-24. Earned time for good behavior or program participation or completion~~

3 Time allowed for good behavior. -- (a) The director, or his or her designee, shall keep a record
4 of the conduct of each prisoner, and for each month that a prisoner who has been sentenced to
5 imprisonment for six (6) months or more and not under sentence to imprisonment for life, appears
6 by the record to have faithfully observed all the rules and requirements of the institutions and not
7 to have been subjected to discipline, ~~and is serving a sentence imposed for violation of sexual~~
8 ~~offenses under sections 11-37-2, 11-37-4, 11-37-6, 11-37-8, 11-37-8.1 and 11-37-8.3 or 11-9-1.3~~
9 there shall, with the consent of the director of the department of corrections, or his or her
10 designee, upon recommendation to him or her by the assistant director of institutions/operations,
11 be deducted from the term or terms of sentence of that prisoner the same number of days that
12 there are years in the term of his or her sentence; provided, that when the sentence is for a longer
13 term than ten (10) years, only ten (10) days shall be deducted for one month's good behavior; and
14 provided, further, that in the case of sentences of at least six (6) months and less than one year,
15 one day per month shall be deducted.

16 (b) For the purposes of ~~this subsection~~ computing the number of days to be deducted for
17 good behavior, consecutive sentences shall be counted as a whole sentence. ~~This subsection~~
18 ~~recognizes the serious nature of sex offenses; promotes community safety and protection of the~~
19 ~~public; and maintains the ability of the department of corrections to oversee the rehabilitation and~~
20 ~~supervision of sex offenders.~~

21 ~~-(b) For all prisoners serving sentences of more than one month, and not serving a~~
22 ~~sentence of imprisonment for life or a sentence imposed for a violation of the sexual offenses~~
23 ~~identified in subsection (a) the director, or his or her designee, shall keep a record of the conduct~~
24 ~~of each prisoner, and for each month that prisoner has faithfully observed all the rules and~~
25 ~~requirements of the institutions and has not been subjected to discipline, there shall, with the~~
26 ~~consent of the director of the department of corrections or his or her designee and upon~~
27 ~~recommendation by the assistant director of institutions/operations, be deducted from the term or~~
28 ~~terms of sentence of that prisoner ten (10) days for each month's good behavior.~~

29 (c) For every day a prisoner shall be shut up or otherwise disciplined for bad conduct, as
30 determined by the assistant director, institutions/operations, subject to the authority of the
31 director, there shall be deducted one day from the time he or she shall have gained for good
32 conduct.

33 (d) The assistant director, or his or her designee, subject to the authority of the director,
34 shall have the power to restore lost good conduct time in whole or in part upon a showing by the

1 prisoner of subsequent good behavior and disposition to reform.

2 (e) For each month that a prisoner who has been sentenced to imprisonment for ~~more~~
3 ~~than one month~~ six (6) months or more and not under sentence to imprisonment for life who has
4 faithfully engaged in institutional industries there shall, with the consent of the director, upon the
5 recommendations to him or her by the assistant director, institutions/operations, be deducted from
6 the term or terms of the prisoner an additional two (2) days a month. These two (2) days a month
7 shall be deducted regardless of the length of the sentence of the prisoner.

8 ~~(f) Except those prisoners serving a sentence imposed for violation of any sexual offense~~
9 ~~committed under sections 11-37-2, 11-37-4, 11-37-6, 11-37-8, 11-37-8.1, 11-37-8.3 or 11-9-13,~~
10 ~~for each month that a prisoner who has been sentenced to imprisonment for more than one month~~
11 ~~and not under sentence to imprisonment for life has participated faithfully in programs that have~~
12 ~~been determined by the director or his/her designee to address that prisoner's individual needs that~~
13 ~~are related to his/her criminal behavior, there may, with the consent of the director and upon the~~
14 ~~recommendation of the assistant director, rehabilitative services, be deducted from the term or~~
15 ~~terms of the prisoner up to an additional five (5) days a month. Furthermore, whenever the~~
16 ~~prisoner has successfully completed such program, they may, with the consent of the director and~~
17 ~~upon the recommendation by the assistant director, rehabilitative services, be deducted from the~~
18 ~~term or terms of the prisoner up to an additional thirty (30) days.~~

19 **42-56-26. Additional time allowed for meritorious service.** -- ~~With the exception of the~~
20 ~~prisoners eligible for credits pursuant to subsections 42-56-24(b) and 42-56-24(f)~~ In addition to
21 any time allowed for good behavior pursuant to section 42-56-24, any prisoner sentenced to
22 imprisonment for one year or more in the adult correctional institutions, whether the sentence was
23 imposed before or after May 8, 1974, shall be eligible to have deducted from his or her sentence
24 up to three (3) days per month up to a maximum of thirty-six (36) days per year for each act,
25 when in the determination of the director, or his or her designee, an inmate has performed heroic
26 acts affecting the lives and welfare of the institutional personnel, inmates, or the general public,
27 or when an inmate has submitted extraordinary and useful ideas and plans which have been
28 implemented for the benefit of the state resulting in substantial savings and/or a higher degree of
29 efficiency or performance while participating in and completing academic or vocational
30 education programs, or when an inmate has submitted useful ideas concerning academic or
31 vocational programs which have been implemented at the adult correctional institutions. Nothing
32 in this section shall be construed to deprive a prisoner of time already accumulated or deducted
33 prior to May 8, 1974.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS -- PAROLE

1 This act would amend certain provisions relative to parole, time allowed for good
2 behavior and meritorious service, and the formula used to issue deductions in prison terms for
3 good behavior.

4 This act would take effect upon passage.

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