

2010 -- H 7495

LC01181

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 E Coderre

Date Introduced: February 11, 2010

Referred To: House Judiciary

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

11 (b) Every person convicted of or placed on probation for a crime involving domestic  
12 violence, as enumerated in section 12-29-2 or whose case if filed pursuant to section 12-10-12  
13 where the defendant pleads guilty or nolo contendere, in addition to other court costs or  
14 assessments imposed, shall be ordered to pay a one hundred twenty-five dollar (\$125)  
15 assessment. Eight percent (80%) of the assessment collected pursuant to this section shall be  
16 provided to the Rhode Island Coalition Against Domestic Violence for programs to assist victims  
17 of domestic violence and twenty percent (20%) of the assessment shall be deposited as general  
18 revenue.

19 (c) (1) Every person convicted of an offense punishable as a misdemeanor [or petty](#)

1 [misdemeanor](#) involving domestic violence as defined in section 12-29-2 shall:

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

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

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

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

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

12 SECTION 2. This act shall take effect upon passage and shall apply to all offenses that  
13 occur after the date of passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would include convictions for petty misdemeanors involving domestic violence  
2 when determining if the defendant qualifies for enhanced penalties for domestic violence offenses  
3 subsequent to a first conviction for a domestic violence offense.

4           This act would take effect upon passage and would apply to all offenses that occur after  
5 the date of passage.

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