

2022 -- H 7951

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO THE TOWNS OF JOHNSTON AND SMITHFIELD -- REGIONAL  
JUVENILE HEARING BOARD

Introduced By: Representatives Fellela, Perez, J Lombardi, and Costantino

Date Introduced: March 07, 2022

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 12 of the Public Laws of 1997 entitled "AN ACT RELATING TO  
2 THE TOWNS OF JOHNSTON AND SMITHFIELD -- REGIONAL JUVENILE HEARING  
3 BOARD" is hereby amended to read as follows:

4           Section 1. For the purposes of promoting the public health, safety, morals or general  
5 welfare, the town council of the town of Johnston and the town of Smithfield, shall have the power  
6 in accordance with the provisions of this act within the limits of said towns by ordinance, to pass,  
7 ordain, establish and amend ordinances to establish a regional juvenile hearing board.

8           Without limiting the generality of the aforementioned, such ordinances shall include the  
9 following provisions:

10          Section 1. Establishment. -- There is hereby established a regional juvenile hearing board  
11 for the towns of Johnston and Smithfield for the purpose of hearing all cases referred to it by the  
12 juvenile division of the police department or the chief of police of either of said towns with respect  
13 to persons under the age of eighteen (18), who are charged with violating either (a) the criminal  
14 laws of the state of Rhode Island, or the towns of Johnston or Smithfield, or (b) section 16-19 et  
15 seq. of the Rhode Island General Laws, regarding compulsory attendance.

16          Said board shall be called the Johnston/Smithfield Regional Juvenile Hearing Board  
17 (hereinafter the "Board").

18          Section 2. Membership. -- (a) The membership of the Board shall consist of seven (7)

1 members selected as follows: three (3) from both the town of Johnston and the town of Smithfield  
2 who shall be appointed by their respective town councils, and one (1) from either of said towns,  
3 who shall also be a member of the board or staff of Tri-Town Community Action Agency who  
4 shall be jointly appointed by said councils.

5 (b) The term of appointment shall be three (3) years, provided that initial appointments  
6 shall be for one (1), two (2) and three (3) years, so as to provide for staggered terms. Each term  
7 shall expire on September 30. No Board member shall serve more than two (2) consecutive terms;  
8 provided, however, that in the case where no other person is seeking appointment to the board an  
9 existing board member may be reappointed.

10 (c) There shall be two (2) alternate members, one (1) selected by each town council to serve  
11 for a one (1) year term expiring September 30. Upon expiration of a term, a member shall continue  
12 to serve until replaced or otherwise reappointed. In the event of a vacancy on the Board, an  
13 appointment may be made to complete the ~~unexpire~~ unexpired term.

14 Section 3. Referral to the Board. -- (a) Persons who are under the age of eighteen (18) years  
15 may be referred to the Board, which shall have concurrent jurisdiction with the Rhode Island  
16 Family Court if the alleged offense is one which, if committed by an adult, would be a  
17 misdemeanor, provided, however, that there shall be no such referral, with respect to any person:

18 (i) charged with the offense of assault or battery, unless otherwise decided on a case-by-  
19 case basis by the chief of police;

20 (ii) charged with a controlled substance offense, unless otherwise decided on a case-by-  
21 case basis by the chief of police;

22 (iii) twice previously referred to the Board, or once previously referred and such person  
23 refused or failed to abide by the sanctions imposed or make the restitution recommended; or

24 (iv) at the time of the alleged commission of such offense is within the custody and control  
25 of the family court.

26 (b) The juvenile division of the police department or the chief of police may also refer to  
27 the Board any other juvenile offender where in the opinion of the juvenile division or the chief of  
28 police such referral would be beneficial to the juvenile concerned and the community at large.

29 (c) No referral to the Board shall be made until such person, together with his/her legal  
30 guardians and/or legal representative has in writing waived such person's right to a hearing in the  
31 family court with respect to the offense charged, has admitted to the alleged offense, and has agreed  
32 to abide by the decision of the Board.

33 Section 4. Duties of the board. -- (a) The Board shall be authorized to hear all cases, referred  
34 by the juvenile division of the police department or the chief of police of the aforesaid towns, and

1 to impose and order sanctions other than incarceration.

2 Sanctions may include, but are not limited to:

3 (i) fines up to a maximum of one hundred dollars (\$100) for each offense charged;

4 (ii) community service;

5 (iii) restitution for any injuries and/or damages, where appropriate, resulting from the  
6 commission of any offense;

7 (iv) imposition of a reasonable curfew; and/or

8 (v) denial or revocation of the juvenile's driving privileges for a period of up to two (2)  
9 years.

10 In any such proceedings, the Board, prior to imposing sanctions, shall request the juvenile  
11 offender and his/her parents or legal guardians to agree to the sanctions imposed, the amount of the  
12 restitution and manner of making the same. In ordering restitution, the Board shall take into account  
13 the juvenile offender's ability to pay and the amount of actual damage caused as a result of the  
14 commission of such offenses.

15 Section 5. Quorum -- Rules. -- (a) A majority of the Board's membership shall constitute a  
16 quorum, and a majority of the members present shall be required to take any action. Any juvenile  
17 offender may be represented by counsel and may present evidence in his or her behalf.

18 (b) The Board shall have the power from time to time to adopt and publish all rules and  
19 regulations necessary to carry out its function under the provisions of this ordinance.

20 (c) The Board shall give notice of the date and time of meeting to the juvenile division of  
21 the police department or the chief of police, and the alleged juvenile offender and his/her parents  
22 or legal guardians, not less than seven (7) days prior to the date of the hearing.

23 (d) Board proceedings shall be closed to the public, and the provisions of chapters 42-46  
24 of the Rhode Island general laws shall not apply to such proceedings. All records or proceedings,  
25 including records concerning the arrest, apprehension or detention of any juvenile offender, shall  
26 be withheld from public inspection but such records shall be available to the parent, legal guardians  
27 or attorney of the juvenile for inspection.

28 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 THE TOWNS OF JOHNSTON AND SMITHFIELD -- REGIONAL  
JUVENILE HEARING BOARD

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1           This act amends the public law creating the Johnston/Smithfield Regional Juvenile Hearing  
2 board to allow a board member to serve more than two (2) terms if no other person seeks  
3 appointment to the board.

4           This act would take effect upon passage.

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