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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING CRIMINAL PROCEDURE - SENTENCE AND EXECUTION

Introduced By: Representative Scott M. Pollard

Date Introduced: April 08, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-19-9 of the General Laws in Chapter 12-19 entitled "Sentence
2 and Execution" is hereby amended to read as follows:

3 **12-19-9. Violation of terms of probation -- Notice to attorney general -- Revocation**
4 **or continuation of suspension.** -- Whenever any person who has been placed on probation
5 pursuant to section 12-9-8 violates the terms and conditions of his or her probation as fixed by the
6 court, the police or the ~~probation authority~~ division of probation and parole shall inform the
7 attorney general of the violation, and the attorney general shall cause the defendant to appear
8 before the court. The court may request the ~~division of field services~~ division of probation and
9 parole to render a report relative to the conduct of the defendant, and, pending receipt of the
10 report, may order the defendant held without bail for a period not exceeding ten (10) days,
11 excluding Saturdays, Sundays, and holidays. The court shall conduct a hearing to determine
12 whether the defendant has violated the terms and conditions of his or her probation, at which
13 hearing the defendant shall have the opportunity to be present and to respond. Upon a
14 determination that the defendant has violated the terms and conditions of his or her probation the
15 court, in open court and in the presence of the defendant, may remove the suspension and order
16 the defendant committed on the sentence previously imposed, or on a lesser sentence, or impose a
17 sentence if one has not been previously imposed, or may continue the suspension of a sentence
18 previously imposed, as to the court may seem just and proper.

1 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 CRIMINAL PROCEDURE - SENTENCE AND EXECUTION

- 1 This act would designate the division of probation and parole as the agency that monitors
- 2 and reports on a defendant's probation status to the Attorney General pursuant to this section.
- 3 This act would take effect upon passage.

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