

2016 -- H 8231

=====  
LC005864  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————  
A N A C T

RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - PAROLE, MEDICAL  
PAROLE, COMMUNITY CONFINEMENT, AND CORRECTIONAL IMPACTS

Introduced By: Representatives Almeida, McKiernan, O'Brien, Craven, and Williams

Date Introduced: May 19, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 13-8-14.1 and 13-8-19 of the General Laws in Chapter 13-8  
2 entitled "Parole" are 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 the 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, and shall serve as guidelines for the board in making individual parole  
9 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~~ criminal history, attitudes, and values of the applicant that bear on the likelihood  
14 to reoffend, ~~the nature and circumstances of the offense or offenses for which the applicant was~~  
15 ~~sentenced~~, the conduct of the applicant while incarcerated, including meaningful participation in a  
16 risk-reducing program and substantial compliance with the rules of the institution, pro-social or  
17 anti-social associations, and the criteria set forth in § 13-8-14. "Risk-reducing program" means a  
18 program that adheres to those elements that are shown in research to reduce recidivism.

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

4 **13-8-19. Arrest and return to institution on revocation of parole.** -- (a) Whenever the  
5 permit of a prisoner is revoked, in accordance with the provisions of § 13-8-18.1 the parole board  
6 shall order the prisoner to be returned to the adult correctional institutions or to the women's  
7 division of the adult correctional institutions, as the case may be, to serve the remainder of the  
8 prisoner's original sentence according to the terms of that sentence.

9 (b) The time between the release of the prisoner under the permit and the prisoner's  
10 return to the adult correctional institutions or the women's division of the adult correctional  
11 institutions under order of the board ~~shall not~~ may be considered as any part of the prisoner's  
12 original sentence. The parole board may choose to credit or revoke all or part of the time served  
13 under the permit from the original sentence, taking into consideration the seriousness of the  
14 violation that prompted revocation. The board shall adopt standards to be utilized in determining  
15 whether to credit all or part of the time served under the permit from the original sentence.

16 (c) If a prisoner is at liberty when the prisoner's permit is revoked, the chairperson shall  
17 issue his or her warrant to any officer authorized to serve criminal process to arrest the prisoner  
18 and return the prisoner to the adult correctional institutions or the women's division of the adult  
19 correctional institutions in accordance with the provisions of § 13-8-18.1 as ordered by the board.

20 (d) Where the prisoner is supervised by the parole board pursuant to a grant of parole by  
21 a state or jurisdiction other than Rhode Island, the parole board shall issue a detention warrant  
22 and order the prisoner committed to the adult correctional institution or the women's division of  
23 the adult correctional institution until the authority from the state or other jurisdiction having  
24 granted the prisoner parole takes custody of the prisoner.

25 SECTION 2. Sections 13-8.1-3 and 13-8.1-4 of the General Laws in Chapter 13-8.1  
26 entitled "Medical Parole" are hereby amended to read as follows:

27 **13-8.1-3. Definitions.** -- (a) "Permanently physically incapacitated" means suffering from  
28 a condition caused by injury, disease, ~~or~~ illness, or cognitive insult such as dementia or persistent  
29 vegetative state, which, to a reasonable degree of medical certainty, permanently and irreversibly  
30 physically incapacitates the individual to the extent that the individual needs help with most of  
31 the activities that are necessary for independence such as feeding, toileting, dressing, and bathing  
32 and transferring, or no significant physical activity is possible, and the individual is confined to  
33 bed or a wheelchair.

34 (b) "Terminally ill" means suffering from a condition caused by injury (except self-

1 inflicted injury), disease, or illness which to a reasonable degree of medical certainty is a life-  
2 limiting diagnosis that will lead to profound functional, cognitive and/or physical decline, and  
3 likely will result in death within ~~six (6)~~ eighteen (18) months.

4 (c) "Severely ill" means suffering from a significant and permanent or chronic physical  
5 and/or mental condition that: (1) Requires extensive medical and/or psychiatric treatment with  
6 little to no possibility of recovery; and (2) Precludes significant rehabilitation from further  
7 incarceration.

8 **13-8.1-4. Procedure.** -- (a) The parole board is authorized to grant release of a prisoner,  
9 except a prisoner serving life without parole, at any time, who is determined to be terminally ill,  
10 severely ill or permanently physically incapacitated within the meaning of § 13-8.1-3. Inmates  
11 who are severely ill will only be considered for such release when their treatment causes the state  
12 to incur exorbitant expenses as a result of continued and frequent medical treatment during  
13 incarceration, as determined by the office of financial resources of the department of corrections.

14 (b) In order to apply for this relief, the prisoner or their family member or friend, with an  
15 attending physician's written approval, or an attending physician, on behalf of the prisoner, shall  
16 file an application with the director of the department of corrections. Within seventy-two (72)  
17 hours after the filing of any application, the director shall refer the application to the health  
18 service unit of the department of corrections for a medical report and a medical discharge plan to  
19 be completed within ten (10) days. Upon receipt of the medical discharge plan the director of the  
20 department of corrections shall immediately transfer the medical discharge plan together with the  
21 application to the parole board for its consideration and decision.

22 (c) The report shall contain, at a minimum, the following information:

23 (1) Diagnosis of the prisoner's medical conditions, including related medical history;

24 (2) Detailed description of the conditions and treatments;

25 (3) Prognosis, including life expectancy, likelihood of recovery, likelihood of  
26 improvement, mobility and trajectory; and rate of debilitation;

27 (4) Degree of incapacity or disability, including an assessment of whether the prisoner is  
28 ambulatory, capable of engaging in any substantial physical activity, ability to independently  
29 provide for their daily life activities, and the extent of that activity;

30 (5) An opinion from the medical director as to whether the person is terminally ill, and if  
31 so, the stage of the illness or whether the person is permanently physically incapacitated or  
32 severely ill. If the medical director's opinion is that the person is not terminally ill, permanently,  
33 physically incapacitated, or severely ill as defined in § 13-8.1-3, the petition for medical parole  
34 shall not be forwarded to the parole board.

1           (6) In the case of a severely ill inmate, the report shall also contain a determination from  
2 the office of financial resources that the inmate's illness causes the state to incur exorbitant  
3 expenses as a result of continued and frequent medical treatment during incarceration.

4           (d) When the director of corrections refers a prisoner to the parole board for medical  
5 parole, the director shall provide to the parole board a medical discharge plan which is acceptable  
6 to the parole board.

7           (e) The department of corrections and the parole board shall jointly develop standards for  
8 the medical discharge plan that are appropriately adapted to the criminal justice setting. The  
9 discharge plan should ensure at the minimum that:

10           (1) An appropriate placement for the prisoner has been secured, including, but not  
11 limited to, a hospital, nursing facility, hospice, or family home;

12           (2) A referral has been made for the prisoner to secure a source for payment of the  
13 prisoner's medical expenses;

14           (3) A parole officer has been assigned to periodically obtain updates on the prisoner's  
15 medical condition to report back to the board.

16           (f) If the parole board finds from the credible medical evidence that the prisoner is  
17 terminally ill, permanently physically incapacitated, or severely ill, the board shall grant release  
18 to the prisoner but only after the board also considers whether, in light of the prisoner's medical  
19 condition, there is a reasonable probability that the prisoner, if released, will live and remain at  
20 liberty without violating the law, and that the release is compatible with the welfare of society  
21 and will not so depreciate the seriousness of the crime as to undermine respect for the law.  
22 Notwithstanding any other provision of law, release may be granted at any time during the term  
23 of a prisoner's sentence.

24           (g) There shall be a presumption that the opinion of the physician and/or medical  
25 director will be accepted. However, the applicant, the physician, the director, or the parole board  
26 may request an independent medical evaluation within seven (7) days after the physician's and/or  
27 medical director's report is presented. The evaluation shall be completed and a report, containing  
28 the information required by subsection (b) of this section, filed with the director and the parole  
29 board and a copy sent to the applicant within fourteen (14) days from the date of the request.

30           (h) Within seven (7) days of receiving the application, the medical report and the  
31 discharge plan, the parole board shall determine whether the application, on its face, demonstrates  
32 that relief may be warranted. If the face of the application clearly demonstrates that relief is  
33 unwarranted, the board may deny the application without a hearing or further proceedings, and  
34 within seven (7) days shall notify the prisoner in writing of its decision to deny the application,

1 setting forth its factual findings and a brief statement of the reasons for denying release without a  
2 hearing. Denial of release does not preclude the prisoner from reapplying for medical parole after  
3 the expiration of sixty (60) days. A reapplication under this section must demonstrate a material  
4 change in circumstances.

5 (i) (1) Upon receipt of the application from the director of the department of corrections  
6 the parole board shall, except as provided in subsection (h) of this section, set the case for a  
7 hearing within thirty (30) days;

8 (2) Notice of the hearing shall be sent to the prosecutor and the victim(s), if any, of the  
9 offense(s) for which the prisoner is incarcerated, and the prosecutor and the victim(s) shall have  
10 the right to be heard at the hearing, or in writing, or both;

11 (3) At the hearing, the prisoner shall be entitled to be represented by an attorney or by  
12 the public defender if qualified or other representative.

13 (j) Within seven (7) days of the hearing, the parole board shall issue a written decision  
14 granting or denying medical parole and explaining the reasons for the decision. If the board  
15 determines that medical parole is warranted, it shall impose conditions of release, which shall  
16 include the following:

17 (1) Periodic medical examinations;

18 (2) Periodic reporting to a parole officer, and the reporting interval;

19 (3) Any other terms or conditions that the board deems necessary; and

20 (4) In the case of a prisoner who is medically paroled due to being severely ill, the parole  
21 board shall require electronic monitoring as a condition of the medical parole, unless the health  
22 care plan mandates placement in a medical facility that cannot accommodate the electronic  
23 monitoring.

24 (k) If after release the releasee's condition or circumstances change so that he or she  
25 would not then be eligible for medical parole, the parole board may order him or her returned to  
26 custody to await a hearing to determine whether his or her release should be revoked. A release  
27 may also be revoked for violation of conditions otherwise applicable to parole.

28 (l) An annual report shall be prepared by the director of corrections for the parole board  
29 and the general assembly. The report shall include:

30 (1) The number of inmates who have applied for medical parole;

31 (2) The number who have been granted medical parole;

32 (3) The nature of the illness of the applicants, and the nature of the placement pursuant to  
33 the medical discharge plan;

34 (4) The categories of reasons for denial for those who have been denied;

1 (5) The number of releasees on medical parole who have been returned to the custody of  
2 the department of corrections and the reasons for return.

3 SECTION 3. Sections 42-56-20.2 and 42-56-38 of the General Laws in Chapter 42-56  
4 entitled "Corrections Department" are hereby amended to read as follows:

5 **42-56-20.2. Community confinement.** -- (a) Persons subject to this section. - Every  
6 person who shall have been adjudged guilty of any crime after trial before a judge, a judge and  
7 jury, or before a single judge entertaining the person's plea of nolo contendere or guilty to an  
8 offense ("adjudged person") and every person sentenced to imprisonment in the adult correctional  
9 institutions ("sentenced person") including those sentenced or imprisoned for civil contempt, and  
10 every person awaiting trial at the adult correctional institutions ("detained person") who meets the  
11 criteria set forth in this section shall be subject to the terms of this section except:

12 (1) Any person who is unable to demonstrate that a permanent place of residence  
13 ("eligible residence") within this state is available to that person; or

14 (2) Any person who is unable to demonstrate that he or she will be regularly employed,  
15 or enrolled in an educational or vocational training program within this state, and within thirty  
16 (30) days following the institution of community confinement; or

17 (3) (i) Any adjudged person or sentenced person or detained person who has been  
18 convicted, within the five (5) years next preceding the date of the offense for which he or she is  
19 currently so adjudged or sentenced or detained, of a violent felony.

20 A "violent felony" as used in this section shall mean any one of the following crimes or  
21 an attempt to commit that crime: murder, manslaughter, sexual assault, mayhem, robbery,  
22 burglary, assault with a dangerous weapon, assault or battery involving serious bodily injury,  
23 arson, breaking and entering into a dwelling, child molestation, kidnapping, DWI resulting in  
24 death or serious injury, driving to endanger resulting in death or serious injury.

25 (ii) Any person currently adjudged guilty of or sentenced for or detained on any capital  
26 felony; or

27 (iii) Any person currently adjudged guilty of or sentenced for or detained on a felony  
28 offense involving the use of force or violence against a person or persons.

29 These shall include, but are not limited to, those offenses listed in subsection (a)(3)(i); or

30 (iv) Any person currently adjudged guilty, sentenced, or detained for the sale, delivery,  
31 or possession with intent to deliver a controlled substance in violation of § 21-28-4.01(a)(4)(i) or  
32 possession of a certain enumerated quantity of a controlled substance in violation of §§ 21-28-  
33 4.01.1 or 21-28-4.01.2.

34 (v) Any person currently adjudged guilty of or sentenced for or detained on an offense

1 involving the illegal possession of a firearm.

2 (b) Findings prior to sentencing to community confinement. - In the case of adjudged  
3 persons, if the judge intends to impose a sentence of community confinement, he or she shall first  
4 make specific findings, based on evidence regarding the nature and circumstances of the offense  
5 and the personal history, character, record, and propensities of the defendant which are relevant to  
6 the sentencing determination, and these findings shall be placed on the record at the time of  
7 sentencing. These findings shall include, but are not limited to:

8 (1) A finding that the person does not demonstrate a pattern of behavior indicating a  
9 propensity for violent behavior;

10 (2) A finding that the person meets each of the eligibility criteria set forth in subsection  
11 (a);

12 (3) A finding that simple probation is not an appropriate sentence;

13 (4) A finding that the interest of justice requires, for specific reasons, a sentence of non-  
14 institutional confinement; and

15 (5) A finding that the person will not pose a risk to public safety if placed in community  
16 confinement.

17 The facts supporting these findings shall be placed on the record, and shall be subject to  
18 review on appeal.

19 (c) Community confinement.

20 (1) There shall be established within the department of corrections, a community  
21 confinement program to serve that number of adjudged persons, sentenced persons and detainees,  
22 that the director of the department of corrections ("director") shall determine on or before July 1  
23 of each year. Immediately upon that determination, the director shall notify the presiding justice  
24 of the superior court of the number of adjudged persons, sentenced persons, and detainees that  
25 can be accommodated in the community confinement program for the succeeding twelve (12)  
26 months. One-half (1/2) of all persons sentenced to community confinement shall be adjudged  
27 persons, and the balance shall be detainees and sentenced persons. The director shall provide to  
28 the presiding justice of the superior court and the family court on the first day of each month a  
29 report to set forth the number of adjudged persons, sentenced persons and detainees participating  
30 in the community confinement program as of each reporting date. Notwithstanding any other  
31 provision of this section, if on April 1 of any fiscal year less than one-half (1/2) of all persons  
32 sentenced to community confinement shall be adjudged persons, then those available positions in  
33 the community confinement program may be filled by sentenced persons or detainees in  
34 accordance with the procedures set forth in subdivision (c)(2) of this section.

1           (2) In the case of inmates other than those classified to community confinement under  
2 subsection (h), the director may make written application ("application") to the sentencing judge  
3 for an order ("order") directing that a sentenced person or detainee be confined within an eligible  
4 residence for a period of time, which in the case of a sentenced person, shall not exceed the term  
5 of imprisonment. This application and order shall contain a recommendation for a program of  
6 supervision and shall contain the findings set forth in subsections (b)(1), (b)(2), (b)(3), (b)(4), and  
7 (b)(5) and facts supporting these findings. The application and order may contain a  
8 recommendation for the use of electronic surveillance or monitoring devices. The hearing on this  
9 application shall be held within ten (10) business days following the filing of this application. If  
10 the sentencing judge is unavailable to hear and consider the application the presiding justice of  
11 the superior court shall designate another judge to do so.

12           (3) In lieu of any sentence, which may be otherwise imposed upon any person subject to  
13 this section, the sentencing judge may cause an adjudged person to be confined within an eligible  
14 residence for a period of time not to exceed the term of imprisonment otherwise authorized by the  
15 statute the adjudged person has been adjudged guilty of violating.

16           (4) With authorization by the sentencing judge, or, in the case of sentenced persons  
17 classified to community confinement under subsection (h) by the director of corrections, or in  
18 accordance with the order, persons confined under the provisions of this chapter may be  
19 permitted to exit the eligible residence in order to travel directly to and from their place of  
20 employment or education or training and may be confined in other terms or conditions consistent  
21 with the basic needs of that person that justice may demand, including the right to exit the eligible  
22 residence to which that person is confined for certain enumerated purposes such as religious  
23 observation, medical and dental treatment, participation in an education or vocational training  
24 program, and counseling, all as set forth in the order.

25           (d) Administration. - (1) Community confinement. The supervision of persons confined  
26 under the provisions of this chapter shall be conducted by the director, or his or her designee.

27           (2) Intense surveillance. - The application and order shall prescribe a program of intense  
28 surveillance and supervision by the department of corrections. Persons confined under the  
29 provisions of this section shall be subject to searches of their persons or of their property when  
30 deemed necessary by the director, or his or her designee, in order to ensure the safety of the  
31 community, supervisory personnel, the safety and welfare of that person and/or to ensure  
32 compliance with the terms of that person's program of community confinement; provided,  
33 however, that no surveillance, monitoring or search shall be done at manifestly unreasonable  
34 times or places nor in a manner or by means that would be manifestly unreasonable under the



1 circumstances then present.

2 (3) The use of any electronic surveillance or monitoring device which is affixed to the  
3 body of the person subject to supervision is expressly prohibited unless set forth in the application  
4 and order or, in the case of sentenced persons classified to community confinement under  
5 subsection (h), otherwise authorized by the director of corrections.

6 (4) Regulatory authority. - The director shall have full power and authority to enforce  
7 any of the provisions of this section by regulation, subject to the provisions of the Administrative  
8 Procedures Act, chapter 35 of title 42. Notwithstanding any provision to the contrary, the  
9 department of corrections may contract with private agencies to carry out the provisions of this  
10 section. The civil liability of those agencies and their employees, acting within the scope of their  
11 employment, and carrying out the provision of this section, shall be limited in the same manner  
12 and dollar amount as if they were agencies or employees of the state.

13 (e) Violations. - Any person confined pursuant to the provisions of this section, who is  
14 found to be a violator of any of the terms and conditions imposed upon him or her according to  
15 the order, or in the case of sentenced persons classified to community confinement under  
16 subsection (h), otherwise authorized by the director of corrections, this section, or any rules,  
17 regulations, or restrictions issued pursuant hereto ~~shall be ineligible for parole, and~~ shall serve the  
18 balance of his or her sentence in a classification deemed appropriate by the director. If that  
19 conduct constitutes a violation of § 11-25-2, the person, upon conviction, shall be subject to an  
20 additional term of imprisonment of not less than one year and not more than twenty (20) years.  
21 However, it shall be a defense to any alleged violation that the person was at the time of the  
22 violation acting out of a necessary response to an emergency situation. An "emergency situation"  
23 shall be construed to mean the avoidance by the defendant of death or of substantial personal  
24 injury, as defined above, to him or herself or to others.

25 (f) Costs. - Each person confined according to this section shall reimburse the state for  
26 the costs or a reasonable portion thereof incurred by the state relating to the community  
27 confinement of those persons. Costs shall be initially imposed by the sentencing judge or in the  
28 order and shall be assessed by the director prior to the expiration of that person's sentence. Once  
29 assessed, those costs shall become a lawful debt due and owing to the state by that person.  
30 Monies received under this section shall be deposited as general funds.

31 (g) Severability. - Every word, phrase, clause, section, subsection, and any of the  
32 provisions of this section are hereby declared to be severable from the whole, and a declaration of  
33 unenforceability or unconstitutionality of any portion of this section, by a judicial court of  
34 competent jurisdiction, shall not affect the portions remaining.

1 (h) Sentenced persons approaching release. - Notwithstanding the provisions set forth  
2 within this section, any sentenced person committed under the direct care, custody, and control of  
3 the adult correctional institutions, who is within six (6) months of the projected good time release  
4 date, provided that the person shall have completed at least one-half (1/2) of the full term of  
5 incarceration, or any person who is sentenced to a term of six (6) months or less of incarceration,  
6 provided that the person shall have completed at least three-fourths (3/4) of the term of  
7 incarceration, may in the discretion of the director of corrections be classified to community  
8 confinement. This provision shall not apply to any person whose current sentence was imposed  
9 upon conviction of murder, first degree sexual assault or first degree child molestation.

10 (i) Notification to police departments. - The director, or his or her designee, shall notify  
11 the appropriate police department when a sentenced, adjudged or detained person has been placed  
12 into community confinement within that department's jurisdiction. That notice will include the  
13 nature of the offense and the express terms and conditions of that person's confinement. That  
14 notice shall also be given to the appropriate police department when a person in community  
15 confinement within that department's jurisdiction is placed in escape status.

16 (j) No incarceration credit for persons awaiting trial. - No detainee shall be given  
17 incarceration credit by the director for time spent in community confinement while awaiting trial.

18 (k) No confinement in college or university housing facilities. - Notwithstanding any  
19 provision of the general laws to the contrary, no person eligible for community confinement shall  
20 be placed in any college or university housing facility, including, but not limited to, dormitories,  
21 fraternities or sororities. College or university housing facilities shall not be considered an  
22 "eligible residence" for "community confinement."

23 (l) A sentencing judge shall have authority to waive overnight stay or incarceration at the  
24 adult correctional institution after the sentencing of community confinement. Such a waiver shall  
25 be binding upon the adult correctional institution and the staff thereof, including, but not limited  
26 to the community confinement program.

27 **42-56-38. Assessment of costs. --** (a) Each sentenced offender committed to the care,  
28 custody or control of the department of corrections shall reimburse the state for the cost or the  
29 reasonable portion of the cost incurred by the state relating to that commitment; provided,  
30 however, that a person committed, awaiting trial and not convicted, shall not be liable for the  
31 reimbursement. Items of cost shall include physical services and commodities such as food,  
32 medical, clothing and specialized housing, as well as social services such as specialized  
33 supervision and counseling. Costs shall be assessed by the director of corrections, or his or her  
34 designee, based upon each person's ability to pay, following a public hearing of proposed fee

1 schedules. Each offender's family income and number of dependents shall be among the factors  
2 taken into consideration when determining ability to pay. Moneys received under this section  
3 shall be deposited as general revenues. The director shall promulgate rules and regulations  
4 necessary to carry out the provisions of this section. The rules and regulations shall provide that  
5 the financial situation of persons, financially dependent on the person, be considered prior to the  
6 determination of the amount of reimbursement. This section shall not be effective until the date  
7 the rules and regulations are filed with the office of the secretary of state.

8 (b) Notwithstanding the provision of subsection (a), or any rule or regulation  
9 promulgated by the director, any sentenced offender who is ordered or directed to the work  
10 release program, shall pay no less than thirty percent (30%) of his or her ~~gross net~~ salary for room  
11 and board.

12 SECTION 4. Chapter 22-12 of the General Laws entitled "Fiscal Notes" is hereby  
13 amended by adding thereto the following section:

14 **22-12-6. Correctional impact statements.** -- All bills having an effect on the revenues,  
15 expenditures, fiscal liability, bed space, staff, supervision caseloads, or programs of the  
16 department of corrections, excepting appropriation measures carrying specified dollar amounts,  
17 shall be accompanied by a correctional impact statement that sets forth the estimated dollar effect  
18 thereof taking into consideration additional supervisory and correctional staff, bed space, and  
19 programs required if enacted. The correctional impact statement shall be attached to the end of  
20 each act, bill or resolution prior to consideration by the legislative body in which the act, bill or  
21 resolution originated. The correctional impact statement shall specify the effect in dollar amounts  
22 and additional supervisory and correctional staff, bed space, and additional programs for the  
23 current fiscal year and estimates for the next two (2) succeeding fiscal years, as well as the fifth  
24 and tenth succeeding fiscal years. For legislation where the major fiscal impact is not expected  
25 until after the tenth succeeding year, the correctional impact statement shall include additional  
26 estimated information for the time period when the major fiscal impact is expected.

27 SECTION 5. Chapter 42-56 of the General Laws entitled "Corrections Department" is  
28 hereby amended by adding thereto the following section:

29 **42-56-5.1. Justice reinvestment.** -- (a) The department shall attempt to monitor the  
30 implementation of justice reinvestment policies for the period from 2016 to 2021, including:

31 (1) Adoption and use of screening and assessment tools to inform judicial and executive  
32 branch decisions regarding arraignment and bail, pretrial conditions and supervision, probation  
33 and parole supervision, correctional programs, and parole release;

34 (2) Use of court rules designed to accelerate the disposition and improve the procedural

1 fairness of pretrial decisions, including violations of bail, filing, deferred sentence, and probation;  
2 (3) Use of judicial sentencing benchmarks designed to:  
3 (i) Guide purposeful, limited probation and suspended sentence terms; and  
4 (ii) Achieve proportionate sanctions for violations;  
5 (4) Use of a judicial procedure designed to provide an opportunity for long-term  
6 probationers to terminate their probation;  
7 (5) Progress by the department of corrections, division of rehabilitative services, in  
8 achieving the initiatives required by §42-56-7;  
9 (6) The feasibility of implementing additional law enforcement training in responding to  
10 people with behavioral health and substance abuse needs, and of providing for one or more  
11 suitable locations for such people to be referred for treatment; and  
12 (7) Barriers to reentry and the availability and effectiveness of programs designed to  
13 increase employability and employment of people in the criminal justice system.  
14 (b) The department shall attempt to report on data analyzing key decision points with  
15 information broken out by offense, risk, and demographic data including race/ethnicity, whenever  
16 available. The report must provide, or report on efforts to provide, relevant measures including  
17 the following:  
18 (1) The number of people for whom a pre-arraignment report is conducted under §12-13-  
19 24.1, and the number who are affected by each subdivision of subsection (a) of this section;  
20 (2) The number of people who are eligible for pre-trial diversion opportunities and the  
21 number of people selected for diversion programs;  
22 (3) Length of probation terms and suspended sentences imposed;  
23 (4) Sanctions imposed by probation officers and by courts and the violations triggering  
24 the sanctions;  
25 (5) Pre-trial lengths of stay including length prior to probation violation hearings;  
26 (6) Volume and characteristics of people on probation caseloads, including limited and  
27 high intensity caseloads;  
28 (7) Volume of people who petitioned the court for early termination, the number granted  
29 and reasons for denial;  
30 (8) Restitution amounts imposed and percentage of collections by increment of time  
31 under correctional control;  
32 (9) Community-based cognitive behavioral treatment programs funded, including the  
33 amount of funding received by each program and the number of high-risk probation clients  
34 served;

1           (10) Batterer's intervention programs funded to increase or refine treatment, including the  
2 amount of funding received by each program and the number of clients served; and

3           (11) Amounts of victim restitution assessed and collected.

4           **42-56-42. Severability.** – If any provision of this chapter or its application to any person  
5 or circumstances is held invalid, that invalidity shall not affect other provisions or applications of  
6 the chapter which can be given effect without the invalid provision or application, and to this end  
7 the provisions of this chapter are declared to be severable.

8           SECTION 6. Section 42-56-39 of the General Laws in Chapter 42-56 entitled  
9 "Corrections Department" is hereby repealed.

10           ~~**42-56-39. A prison impact statement.** -- All acts, bills and resolutions having an effect~~  
11 ~~on the revenues, expenditures, fiscal liability, bed space, staff or programs of the department of~~  
12 ~~corrections, which can be calculated with reasonable accuracy, by establishing or extending a~~  
13 ~~mandatory minimum term of imprisonment which is not subject to suspension, probation or~~  
14 ~~parole, excepting appropriation measures carrying specified dollar amounts, shall be accompanied~~  
15 ~~by a brief explanatory statement or note which sets forth the estimated dollar effect thereof taking~~  
16 ~~into consideration additional bed space, staff and programs required if enacted. This statement or~~  
17 ~~note shall be known as "a prison impact statement" and shall be attached to the end of each act,~~  
18 ~~bill or resolution prior to consideration of the house in which the act, bill or resolution originated.~~  
19 ~~This prison impact statement shall specify the effect in dollar amounts and additional bed space,~~  
20 ~~additional staff and additional programs for the current fiscal year and estimates for the next two~~  
21 ~~(2) succeeding fiscal years. The appropriate chairperson of the house or senate committee may~~  
22 ~~request a prison impact statement. Requests for these prison impact statements shall be in a form~~  
23 ~~and substance that is deemed appropriate by the chairperson and shall be forwarded through the~~  
24 ~~house or senate fiscal advisor to the state budget officer who shall then be responsible, in~~  
25 ~~cooperation with the director of corrections, for its preparation within thirty (30) days of the~~  
26 ~~request.~~

27           SECTION 7. This act shall take effect upon passage.

=====  
LC005864  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - PAROLE, MEDICAL  
PAROLE, COMMUNITY CONFINEMENT, AND CORRECTIONAL IMPACTS

\*\*\*

1           This act would amend the provisions of the general laws pertaining to parole, medical  
2 parole, community confinement, and would replace prison impact statements with correctional  
3 impact statements.

4           This act would take effect upon passage.

=====  
LC005864  
=====