

2021 -- S 0316

LC001311

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINALS--CORRECTIONAL INSTITUTIONS -- PAROLE

Introduced By: Senators Quezada, Calkin, Goodwin, and Kallman

Date Introduced: February 18, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 13-8 of the General Laws entitled "Parole" is hereby amended by
2 adding thereto the following section:

3 **13-8-35. Early termination of parole supervision.**

4 (a) Upon its own motion or upon request of a parolee, the parole board may terminate a
5 parolee's supervision before the sentence expires.

6 (1) Seven (7) years after releasing a prisoner on supervision, and at least annually
7 thereafter, the parole board shall review the status of the parolee to determine the need for continued
8 supervision. The parole board shall also conduct a status review whenever the supervision officer
9 recommends early termination of the parolee's supervision.

10 (2) Seven (7) years after releasing a prisoner on supervision, excluding a parolee serving a
11 life sentence for first or second degree murder, the parole board shall terminate supervision over
12 the parolee unless the parole board determines, after a hearing in accordance with this chapter, that
13 such supervision should not be terminated because there is a likelihood that the parolee will engage
14 in conduct violating any criminal law. If the parole board does not terminate supervision under this
15 subsection, the parolee may request a hearing annually thereafter, and the parole board shall
16 conduct an early termination hearing at least every two (2) years.

17 (3) In calculating the two (2) year and seven (7) year periods provided in this section, the
18 parole board shall not include any period of parole before the recent release, or any period served
19 in confinement or any other sentence.

1 (4) A parolee may not appeal an adverse decision under this section.

2 (b) The parole board shall promulgate guidelines which effectuate the purpose of this
3 section, which is to provide a mechanism for eliminating supervision on parole, in deserving cases,
4 consistent with the rehabilitative and reentry needs of the parolee and the promotion of public
5 safety.

6 In determining whether to grant early termination from supervision, the parole board shall
7 consider its guidelines and promulgate new guidelines so as to effectuate the purpose of this section
8 which is to provide a mechanism for eliminating supervision on parole in deserving cases consistent
9 with the rehabilitative and reentry needs of the parolee and the promotion of public safety.

10 Termination of supervision is indicated if the parolee:

11 (1) Has been on supervised parole for the required period;

12 (2) Has observed all the laws within and without the state;

13 (3) Has been employed and remains employed at the time of the request; and

14 (4) Has completed seven (7) continuous years of supervision and is free from an incident
15 of new criminal behavior or serious parole violation.

16 (c) As used in this section, the term an "incident of new criminal behavior" or "serious
17 parole violation" includes a new arrest or report of a parole violation, if supported by substantial
18 evidence of guilt, even if no conviction or parole revocation results. The parole board shall not
19 terminate supervision until it determines the disposition of a pending criminal charge.

20 (d) Case-specific factors that may justify a departure either above or below the early
21 termination may relate to the current behavior of the parolee, or the parolee's background and
22 criminal history.

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would, upon its own motion or upon request of a parolee, enable the parole board
2 to terminate a parolee's supervision and legal custody order in accordance with guidelines it is
3 authorized to promulgate. Prisoners with a life sentence for first and second degree murder are
4 excluded.

5 This act would take effect upon passage.

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