

2017 -- S 0608 SUBSTITUTE A

LC002132/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION AND
COMMUNITY NOTIFICATION

Introduced By: Senators McCaffrey, Lombardi, Archambault, Conley, and Nesselbush

Date Introduced: March 15, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-37.1-2, 11-37.1-10 and 11-37.1-11 of the General Laws in
2 Chapter 11-37.1 entitled "Sexual Offender Registration and Community Notification" are hereby
3 amended to read as follows:

4 **11-37.1-2. Definitions.**

5 (a) "Aggravated offense" means, and includes, offenses involving sexual penetration of
6 victims of any age through the use of force, or the threat of use of force, or offenses involving
7 sexual penetration of victims who are fourteen (14) years of age or under.

8 (b) "Board", "board of review", or "sex offender board of review" means the sex offender
9 board of review appointed by the governor pursuant to § 11-37.1-6.

10 (c) (1) "Conviction" or "convicted" means, and includes, any instance where:

11 (i) A judgment of conviction has been entered against any person for any offense
12 specified in subsection (e) or (k), regardless of whether an appeal is pending; or

13 (ii) There has been a finding of guilty for any offense specified in subsection (e) or (k),
14 regardless of whether an appeal is pending; or

15 (iii) There has been a plea of guilty or nolo contendere for any offense specified in
16 subsection (e) or (k), regardless of whether an appeal is pending; or

17 (iv) There has been an admission of sufficient facts or a finding of delinquency for any
18 offense specified in subsection (e) or (k), regardless of whether or not an appeal is pending.

1 (2) Provided, in the event that a conviction, as defined in this subsection, has been
2 overturned, reversed, or otherwise vacated, the person who was the subject of the conviction shall
3 no longer be required to register as required by this chapter and any records of a registration shall
4 be destroyed. Provided, further, that nothing in this section shall be construed to eliminate a
5 registration requirement of a person who is again convicted of an offense for which registration is
6 required by this chapter.

7 (d) [Deleted by P.L. 2003, ch. 162, § 1 and by P.L. 2003, ch. 170, § 1].

8 (e) "Criminal offense against a victim who is a minor" means, and includes, any of the
9 following offenses or any offense in another jurisdiction that is substantially the equivalent of the
10 following or for which the person is or would be required to register under 42 U.S.C. § 14071 or
11 18 U.S.C. § 4042(c):

12 (1) Kidnapping or false imprisonment of a minor, in violation of §§ 11-26-1.4, 11-26-1 or
13 11-26-2, where the victim of the offense is sixteen (16) years of age or older and under the age of
14 eighteen (18) years;

15 (2) Enticement of a child in violation of § 11-26-1.5 with the intent to violate §§ 11-37-6,
16 11-37-8, 11-37-8.1, 11-37-8.3;

17 (3) Any violation of §§ 11-37-6, 11-37-8, 11-37-8.1, or 11-37-8.3;

18 (4) Any violation of § 11-1-10, where the underlying offense is a violation of chapter 34
19 of this title and the victim, or person solicited to commit the offense, is under the age of eighteen
20 (18) years;

21 (5) Any violation of § 11-9-1(b) or (c);

22 (6) Any violation of § 11-9-1.3;

23 (7) Any violation of § 11-9-1.5;

24 (8) Any violation of § 11-37.1-10;

25 (9) Any violation of § 11-37-8.8;

26 (10) Any violation of § 11-64-2, where the victim is under the age of eighteen (18) years;

27 (11) Murder in violation of § 11-23-1, where the murder was committed in the
28 perpetration of, or attempted perpetration of, kidnapping and where the victim of the offense is
29 under eighteen (18) years of age; or

30 (12) Any violation of § 11-67-6.

31 (f) "Designated state law enforcement agency" means the attorney general or his or her
32 designee.

33 (g) "Employed, carries on a vocation" means and includes the definition of "employed,
34 carries on a vocation" under 42 U.S.C. § 14071.

1 (h) "Institutions of higher education" means any university, two- or four-year (2 or 4)
2 college or community college.

3 (i) "Mental abnormality" means a congenital or acquired condition of a person that affects
4 the emotional or volitional capacity of the person in a manner that predisposes that person to the
5 commission of criminal sexual acts to a degree that makes the person a menace to the health and
6 safety of other persons.

7 (j) "Predator" means a person whose act(s) is (are) or was (were) directed at a stranger, or
8 at a person with whom a relationship has been established or promoted for the primary purpose of
9 victimization.

10 (k) "School" means the buildings and real property of kindergarten, elementary, middle,
11 and secondary institutions, whether public or private.

12 ~~(k)~~(l) "Sexually violent offense" means, and includes, any violation of §§ 11-37-2, 11-37-
13 4, 11-37-6, 11-37-8, 11-37-8.1, 11-37-8.3, 11-67-2 (where the victim was subject to commercial
14 sexual activity), 11-67-3(a), 11-67-3(b) (where the victim was subject to commercial sexual
15 activity); or 11-5-1, where the specified felony is sexual assault; or § 11-23-1, where the murder
16 was committed in the perpetration of, or attempted perpetration of, rape or any degree of sexual
17 assault or child molestation; or any offense in another jurisdiction that is substantially the
18 equivalent of any offense listed in this subsection or for which the person is or would be required
19 to register under 42 U.S.C. § 14071 or 18 U.S.C. § 4042(c).

20 ~~(l)~~(m) "Sexually violent predator" means a person who has been convicted of a sexually
21 violent offense and who has a mental abnormality or personality disorder that makes the person
22 likely to engage in predatory sexually violent offenses.

23 ~~(m)~~(n) "Student" means, and includes, the definition of "student" under 42 U.S.C. §
24 14071.

25 ~~(n)~~(o) "Parole board" means the parole board or its designee.

26 **11-37.1-10. Penalties.**

27 (a) Any person who is required to register or verify his or her address or give notice of a
28 change of address or residence who knowingly fails to do so shall be guilty of a felony and, upon
29 conviction, be imprisoned not more than ten (10) years, or fined not more than ten thousand
30 dollars (\$10,000), or both.

31 (b) Any person who is required to register or verify his or her address or give notice of a
32 change of address or residence who knowingly fails to do so shall be in violation of the terms of
33 his or her release, regardless of whether or not the term was a special condition of his or her
34 release on probation, parole, home confinement or other form of supervised release.

1 (c) Except in the case of a level-three (3) sex offender, any person who is required to
2 register or verify his or her address, who knowingly resides within three hundred feet (300') of
3 any school, public or private, shall be guilty of a felony and, upon conviction, may be imprisoned
4 not more than five (5) years, or fined not more than five thousand dollars (\$5,000), or both.

5 (d) Any level-three (3) sex offender who knowingly resides within one thousand feet
6 (1,000') of any school, public or private, which distance shall be measured from the nearest
7 boundary line of the real property supporting the residence of the level 3 sex offender to the
8 nearest boundary line of the real property that supports or upon which there exists a school, shall
9 be guilty of a felony and, upon conviction, may be imprisoned for not more than five (5) years, or
10 fined not more than five thousand dollars (\$5,000), or both.

11 **11-37.1-11. Release of information.**

12 (a) Except as otherwise provided by this chapter or as provided in subsections (b) or (c)
13 of this section, no information obtained under this chapter shall be released or transferred without
14 the written consent of the person or his or her authorized representative.

15 (b) No consent for release or transfer of information obtained under this chapter shall be
16 required in the following instances:

17 (1) Information may be disclosed to law enforcement agencies for law enforcement
18 purposes;

19 (2) Information may be disclosed to government agencies conducting confidential
20 background checks;

21 (3) The designated law enforcement agency and any local law enforcement agency
22 authorized by the state agency may release relevant information that is necessary to protect
23 individuals concerning a specific person required to register under this chapter, except that the
24 identity of a victim of an offense that requires registration under this section shall not be released;

25 (4) Information may be released or disseminated in accordance with the provisions of §
26 11-37.1-12; ~~and~~

27 (5) Information shall be disclosed by the local police department to the general public in
28 a city or town for those registered offenders determined to be either a level 2 or level 3 offender
29 as determined consistent with parole board guidelines- ; and

30 (6) Information shall be disclosed by the local police department to the local school
31 department for those registered offenders determined to be level 3 offenders by the parole board
32 for the purposes of notifying parents of students whose school bus stop is within one thousand
33 feet (1,000') of a level 3 sex offender's residence, which distance shall be measured from the
34 nearest boundary line of the real property supporting the residence of the level 3 sex offender to

1 [the school bus stop.](#)

2 (c) Any local law enforcement agency shall release relevant information collected
3 pursuant to § 11-37.1-3(c) to any campus police agency appointed pursuant to § 16-15-2 or police
4 for private institutions appointed pursuant to § 12-2.1-1 for any person having a duty to register
5 who is enrolled in, employed by or carrying on a vocation at an institution of higher education.
6 That agency may release relevant information that is necessary to protect individuals concerning
7 a specific person required to register under this chapter, except that the identity of a victim of an
8 offense that requires registration under this section shall not be released.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would require local law enforcement to share information with local school
2 departments for the purposes of notifying parents of students whose bus stop is within one
3 thousand feet (1000') of the residence of a level 3 sex offender.

4 This act would take effect upon passage.

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