

2022 -- S 2542

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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 CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE

Introduced By: Senators Rogers, de la Cruz, Paolino, and Lombardo

Date Introduced: March 01, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-13-5.1 of the General Laws in Chapter 12-13 entitled "Bail and  
2 Recognizance" is hereby amended to read as follows:

3 **12-13-5.1. Presumption of danger to the community.**

4 [\(a\)](#) Whenever a person is charged with, or indicted or informed against, for an offense  
5 involving the unlawful sale, distribution, manufacture, delivery, or possession with intent to  
6 manufacture, sell, distribute, or deliver any controlled substance, or by possession of any controlled  
7 substance punishable by imprisonment for ten (10) years or more, and the state objects to the setting  
8 of bail pursuant to the R.I. Const., Art. I, Sec. IX, if the court determines that the proof of guilt is  
9 evident or the presumption great, then it shall be presumed that the person is a danger to the safety  
10 of the community unless that presumption is rebutted by the defendant.

11 [\(b\) Whenever a person is charged with the possession of a firearm with alteration of](#)  
12 [identification marks in violation of § 11-47-24, there shall be a rebuttable presumption that the](#)  
13 [person is a danger to the safety of the community.](#)

14 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 require that whenever a person is charged with possession of a firearm with  
2 alteration of identification marks, the alteration would create a rebuttable presumption that the  
3 person is a danger to the safety of the community.

4           This act would take effect upon passage.

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