

2009 -- S 0510

LC01197

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION

Introduced By: Senator Maryellen Goodwin

Date Introduced: February 25, 2009

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

SECTION 1. Section 12-29-5 of the General Laws in Chapter 12-29 entitled "Domestic Violence Prevention Act" is hereby amended to read as follows:

12-29-5. Disposition of domestic violence cases. -- (a) Every person convicted of or placed on probation for a crime involving domestic violence or whose case is filed pursuant to section 12-10-12 where the defendant pleads nolo contendere, in addition to any other sentence imposed or counseling ordered, shall be ordered by the judge to attend, at his or her own expense, a batterer's intervention program appropriate to address his or her violent behavior. This order shall be included in the conditions of probation. Failure of the defendant to comply with the order shall be a basis for violating probation and/or the provisions of section 12-10-12. This provision shall not be suspended or waived by the court.

(b) Every person convicted of or placed on probation for a crime involving domestic violence, as enumerated in section 12-29-2 or whose case if filed pursuant to section 12-10-12 where the defendant pleads guilty or nolo contendere, in addition to other court costs or assessments imposed, shall be ordered to pay a ~~twenty-five dollar (\$25.00)~~ one hundred twenty-five dollar (\$125) assessment. ~~All moneys~~ Eighty percent (80%) of the assessment collected pursuant to this section shall be provided to the Rhode Island coalition against domestic violence for programs to assist victims of domestic violence and twenty percent (20%) of the assessment shall be deposited as general revenue.

(c) (1) Every person convicted of an offense punishable as a misdemeanor involving

1 domestic violence as defined in section 12-29-2 shall:

2 (i) For a second violation be imprisoned for a term of not less than ten (10) days and not
3 more than one year.

4 (ii) For a third and subsequent violation be deemed guilty of a felony and be imprisoned
5 for a term of not less than one year and not more than ten (10) years.

6 (2) No jail sentence provided for under this section can be suspended.

7 (3) Nothing in this subsection shall be construed as limiting the discretion of the judges
8 to impose additional sanctions authorized in sentencing.

9 (d) For the purposes of this section, "batterers intervention program" means a program
10 which is certified by the batterers intervention program standards oversight committee according
11 to minimum standards, pursuant to sections 12-29-5.1, 12-29-5.2, and 12-29-5.3.

12 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 increase the assessments from \$25.00 to \$125 for any person who is
2 convicted of, placed on probation for, or whose case is filed, in relation to a crime involving
3 domestic violence, and further provides that eighty percent (80%) of the assessment shall be
4 provided to the Rhode Island coalition against domestic violence for programs to assist victims of
5 domestic violence and twenty percent (20%) of the assessment would be deposited as general
6 revenue.

7 This act would take effect upon passage.

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