

2023 -- S 0374

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- HOMICIDE

Introduced By: Senators Quezada, F. Lombardi, DiMario, Acosta, Lawson, Miller,
Valverde, McKenney, and Cano

Date Introduced: February 16, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-23-2 and 11-23-2.1 of the General Laws in Chapter 11-23 entitled
2 "Homicide" are hereby amended to read as follows:

3 **11-23-2. Penalties for murder.**

4 Every person guilty of murder in the first degree shall be imprisoned for life. ~~Every person~~
5 ~~guilty of murder in the first degree: (1) committed intentionally while engaged in the commission~~
6 ~~of another capital offense or other felony for which life imprisonment may be imposed; (2)~~
7 ~~committed in a manner creating a great risk of death to more than one person by means of a weapon~~
8 ~~or device or substance which would normally be hazardous to the life of more than one person; (3)~~
9 ~~committed at the direction of another person in return for money or any other thing of monetary~~
10 ~~value from that person; (4) committed in a manner involving torture or an aggravated battery to the~~
11 ~~victim; (5) committed against any member of the judiciary, law enforcement officer, corrections~~
12 ~~employee, assistant attorney general or special assistant attorney general, or firefighter arising from~~
13 ~~the lawful performance of his or her official duties; (6) committed by a person who at the time of~~
14 ~~the murder was committed to confinement in the adult correctional institutions or the state~~
15 ~~reformatory for women upon conviction of a felony; or (7) committed during the course of the~~
16 ~~perpetration or attempted perpetration of felony manufacture, sale, delivery or other distribution of~~
17 ~~a controlled substance otherwise prohibited by the provisions of chapter 28 of title 21; shall be~~
18 ~~imprisoned for life and if ordered by the court pursuant to chapter 19.2 of title 12 that person shall~~
19 ~~not be eligible for parole from imprisonment.~~ Every person guilty of murder in the second degree

1 shall be imprisoned for not less than ten (10) years and may be imprisoned for life.

2 **11-23-2.1. Penalty for murder of a kidnapped person under the age of eighteen (18).**

3 If any person under the age of eighteen (18) who is kidnapped in violation of § 11-26-1 by
4 a person other than his or her natural or adopted parent dies as a direct result of the kidnapping,
5 then the person convicted of the offense shall be guilty of murder in the first degree and shall be
6 punished by imprisonment for life, ~~and the court may, pursuant to chapter 19.2 of title 12, order~~
7 ~~that that person not be eligible for parole.~~

8 SECTION 2. Section 11-39-2 of the General Laws in Chapter 11-39 entitled "Robbery" is
9 hereby amended to read as follows:

10 **11-39-2. Robbery of the owner, lessor, or occupant of a motor vehicle.**

11 (a) Every person who shall unlawfully seize a motor vehicle from its lawful owner, lessor,
12 or occupant by use or threat of use of a dangerous weapon against the owner, lessor, or occupant
13 resulting in serious bodily injury, as defined in § 11-5-10.2, shall be guilty of first degree robbery
14 and shall be imprisoned for not less than ten (10) years and may be imprisoned for life, or fined not
15 more than fifteen thousand dollars (\$15,000), or both. In all such cases, the justice imposing
16 sentence shall impose a minimum sentence of ten (10) years imprisonment and may only impose a
17 sentence less than the minimum if he or she finds that substantial and compelling circumstances
18 exist which justify imposition of the alternative sentence. That finding may be based upon the
19 character and background of the defendant, the cooperation of the defendant with law enforcement
20 authorities, the nature and circumstances of the offense, and/or the nature and quality of the
21 evidence presented at trial. If a sentence which is less than imprisonment for a term of ten (10)
22 years is imposed, the trial justice shall set forth on the record the circumstances which he or she
23 found as justification for imposition of the lesser sentence. A person sentenced to prison for
24 violation of this subsection shall not be eligible for parole until at least one-half (½) of the sentence
25 has been served in prison.

26 (b) Every person who shall unlawfully seize a motor vehicle from its lawful owner, lessor,
27 or occupant by force or threat of force against the owner, lessor, or occupant shall be guilty of
28 second degree robbery and shall be imprisoned for not less than five (5) years nor more than thirty
29 (30) years, or fined not more than ten thousand dollars (\$10,000), or both.

30 (c) Every person who shall commit robbery of a motor vehicle by seizing it from its lawful
31 owner, lessor, or occupant under the circumstances set forth in subsection (a) or (b) of this section,
32 resulting in the death of the owner, lessor or occupant, shall be guilty of first degree murder and
33 shall be sentenced to life imprisonment, and may be sentenced to life imprisonment ~~without parole~~
34 ~~if ordered by the court pursuant to chapter 19.2 of title 12.~~ A person sentenced to life imprisonment

1 for violation of this subsection shall not be eligible for parole until at least twenty (20) years of the
2 sentence has been served in prison.

3 SECTION 3. Section 11-47-3.2 of the General Laws in Chapter 11-47 entitled "Weapons"
4 is hereby amended to read as follows:

5 **11-47-3.2. Using a firearm when committing a crime of violence.**

6 (a) No person shall use a firearm while committing or attempting to commit a crime of
7 violence. Every person violating the provisions of this section shall be punished: (1) for the first
8 offense by imprisonment for ten (10) years; however, if the violation was committed by use of a
9 machine gun as defined in § 11-47-2(10), the term of imprisonment shall be thirty (30) years; (2)
10 for a second conviction under this section by imprisonment for twenty (20) years; however, if the
11 violation was committed by use of a machine gun as defined in § 11-47-2(10), the term of
12 imprisonment shall be life; and (3) for a third or subsequent conviction, the person shall be
13 sentenced to life, ~~or life without the possibility of parole by the sentencing judge after consideration~~
14 ~~of aggravating and mitigating circumstances contained in §§ 12-19.2-3 and 12-19.2-4.~~ Any
15 sentence imposed upon a person pursuant to this section shall be imposed consecutively to and not
16 concurrently with any sentence imposed for the underlying crime or attempted crime, and the
17 person shall not be afforded the benefits of deferment of sentence or parole; provided, that ~~unless~~
18 ~~sentenced to life without the possibility of parole pursuant to subdivision (3) of this subsection,~~ a
19 person sentenced to life under this section may be granted parole.

20 (b) Every person who, while committing an offense violating subsection (a) of this section,
21 discharges a firearm shall be guilty of a felony and be imprisoned as follows:

22 (1) Ten (10) years, if no injury to any other person results from the discharge;

23 (2) Twenty (20) years, if a person other than a police officer is injured by the discharge of
24 the firearm, or if a police officer who is engaged in the performance of his or her duty is deliberately
25 endangered by the person's discharge of the firearm;

26 (3) Life, if a police officer who is engaged in the performance of his or her duty is injured
27 by the discharge of the firearm; and

28 (4) Life, if the death or permanent incapacity of any person (other than the person
29 convicted) results from the discharge of the firearm; provided that, involuntary manslaughter shall
30 not be considered a "crime of violence" for the purpose of subdivision (b)(4) only.

31 (c) The penalties defined in subsection (b) of this section shall run consecutively, and not
32 concurrently, to any other sentence imposed and, notwithstanding the provisions of chapter 8 of
33 title 13, the person shall not be afforded the benefits of deferment of sentence or parole; provided,
34 that a person sentenced to life under subdivision (b)(3) or (b)(4) of this section may be granted

1 parole.

2 SECTION 4. Chapter 12-19.2 of the General Laws entitled "Sentencing to Life
3 Imprisonment Without Parole" is hereby repealed in its entirety.

4 ~~CHAPTER 12-19.2~~

5 ~~Sentencing to Life Imprisonment Without Parole~~

6 ~~**12-19.2-1. Sentencing procedures -- Trial by jury.**~~

7 ~~In all cases tried by a jury in which the penalty of life imprisonment without parole may be~~
8 ~~imposed pursuant to § 11-23-2 or 11-23-2.1, and in which the attorney general has recommended~~
9 ~~to the court in writing within twenty (20) days of the date of the arraignment that such a sentence~~
10 ~~be imposed, the court shall, upon return of a verdict of guilty of murder in the first degree by the~~
11 ~~jury, instruct the jury to determine whether it has been proven beyond a reasonable doubt that the~~
12 ~~murder committed by the defendant involved one of the circumstances enumerated in § 11-23-2 or~~
13 ~~11-23-2.1 as the basis for imposition of a sentence of life imprisonment without parole. If after~~
14 ~~deliberation the jury finds that one or more of the enumerated circumstances was present, it shall~~
15 ~~state in writing, signed by the foreperson of the jury, which circumstance or circumstances it found~~
16 ~~beyond a reasonable doubt. Upon return of an affirmative verdict, the court shall conduct a~~
17 ~~presentence hearing. At the hearing, the court shall permit the attorney general and the defense to~~
18 ~~present additional evidence relevant to a determination of the sentence to be imposed as provided~~
19 ~~for in § 12-19.2-4. After hearing evidence and argument relating to the presence or absence of~~
20 ~~aggravating and mitigating factors, the court shall, in its discretion, sentence the defendant to either~~
21 ~~life imprisonment without parole or life imprisonment. If the trial court is reversed on appeal~~
22 ~~because of error only in the presentence hearing, the new proceedings before the trial court which~~
23 ~~may be ordered shall pertain only to the issue of sentencing.~~

24 ~~**12-19.2-2. Sentencing procedures -- Trial by judge sitting without a jury.**~~

25 ~~In all cases tried by a judge sitting without a jury in which the penalty of life imprisonment~~
26 ~~without parole may be imposed pursuant to § 11-23-2 or 11-23-2.1, and in which the attorney~~
27 ~~general has recommended to the court in writing within twenty (20) days of the date of the~~
28 ~~arraignment that such a sentence be imposed, the court shall, if the court finds the defendant guilty~~
29 ~~of murder in the first degree, also render a finding as to whether it has been proven beyond a~~
30 ~~reasonable doubt that the murder committed by the defendant involved one of the circumstances~~
31 ~~enumerated in § 11-23-2 or 11-23-2.1 as the basis for imposition of a sentence of life imprisonment~~
32 ~~without parole. If the court finds that one or more of the enumerated circumstances was present, it~~
33 ~~shall state on the record which circumstance or circumstances it found beyond a reasonable doubt.~~
34 ~~Upon an affirmative finding by the court, it shall conduct a presentence hearing. At the hearing, the~~

1 court shall permit the attorney general and the defense to present additional evidence relevant to a
2 determination of the sentence to be imposed as provided for in § 12-19.2-4. After hearing evidence
3 and argument relating to the presence or absence of aggravating and mitigating factors, the court
4 shall, in its discretion, sentence the defendant to either life imprisonment without parole or life
5 imprisonment. If the trial court is reversed on appeal because of error only in the presentence
6 hearing, the new proceedings before the trial court which may be ordered shall pertain only to the
7 issue of sentencing.

8 **12-19.2-3. Sentencing procedures -- Plea of guilty.**

9 In all cases in which the defendant pleads guilty or nolo contendere to an offense for which
10 the penalty of life imprisonment without parole may be imposed pursuant to § 11-23-2 or 11-23-
11 2.1, and in which the attorney general has recommended to the court in writing within twenty (20)
12 days of the date of the arraignment that such a sentence be imposed, the court shall conduct a
13 presentence hearing. At the hearing, the court shall permit the attorney general and the defense to
14 present additional evidence relevant to a determination of the sentence to be imposed as provided
15 for in § 12-19.2-4. After hearing evidence and argument relating to the presence or absence of
16 aggravating and mitigating factors, the court shall, in its discretion, sentence the defendant to either
17 life imprisonment without parole or life imprisonment. If the trial court is reversed on appeal
18 because of error only in the presentence hearing, the new proceedings before the trial court which
19 may be ordered shall pertain only to the issue of sentencing.

20 **12-19.2-4. Consideration of aggravating and mitigating circumstances.**

21 At the presentence hearing, following a finding that one or more of the circumstances
22 enumerated in § 11-23-2 or 11-23-2.1 as the basis for imposition of a sentence of life imprisonment
23 without parole was involved in the first degree murder of which the defendant has been convicted,
24 the court shall consider evidence regarding the nature and circumstances of the offense and the
25 personal history, character, record, and propensities of the defendant which are relevant to the
26 sentencing determination. After hearing evidence and argument regarding the aggravating and
27 mitigating circumstances relating to the offense and the defendant, the court shall, in its discretion,
28 sentence the defendant to life imprisonment without parole or to life imprisonment. The court shall
29 state on the record its reasons for imposing its sentence.

30 **12-19.2-5. Review of life sentence without parole.**

31 The defendant shall have the right to appeal a sentence of life imprisonment without parole
32 to the supreme court of the state in accordance with the applicable rules of court. In considering an
33 appeal of a sentence, the court, after review of the transcript of the proceedings below, may, in its
34 discretion, ratify the imposition of the sentence of life imprisonment without parole or may reduce

1 ~~the sentence to life imprisonment.~~

2 ~~**12-19.2-6. Work release and furlough programs -- Prohibited.**~~

3 ~~A person serving a sentence of life imprisonment without parole shall not be eligible for~~
4 ~~participation in the work release program as set forth in § 42-56-21, the furlough program as set~~
5 ~~forth in § 42-56-18, or any other program which allows a prisoner to be released from the~~
6 ~~confinement of the prison facility to which the prisoner has been assigned.~~

7 SECTION 5. Section 13-8-13 of the General Laws in Chapter 13-8 entitled "Parole" is
8 hereby amended to read as follows:

9 **13-8-13. Life prisoners and prisoners with lengthy sentences.**

10 (a) In the case of a prisoner sentenced to imprisonment for life, a parole permit may be
11 issued at any time after the prisoner has served not less than ten (10) years' imprisonment; provided
12 that:

13 (1) In the case of a prisoner serving a sentence or sentences of a length making him or her
14 ineligible for a permit in less than ten (10) years, pursuant to §§ 13-8-9 and 13-8-10, the permit
15 may be issued at any time after the prisoner has served not less than ten (10) years' imprisonment;

16 (2) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree
17 murder committed after July 10, 1989, the permit may be issued only after the prisoner has served
18 not less than fifteen (15) years' imprisonment;

19 (3) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree
20 murder committed after June 30, 1995, the permit may be issued only after the prisoner has served
21 not less than twenty (20) years' imprisonment;

22 (4) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree
23 murder committed after July 1, 2015, the permit may be issued only after the prisoner has served
24 not less than twenty-five (25) years' imprisonment; and

25 (5) In the case of a prisoner sentenced to imprisonment for life for a crime, other than first-
26 or second-degree murder, committed after July 1, 2015, the permit may be issued only after the
27 prisoner has served not less than twenty (20) years' imprisonment.

28 (b) The permit shall be issued only by a unanimous vote of all the attending members of
29 the board; provided that not less than four (4) members are present, and whenever, after the issue
30 of the permit, the prisoner shall be pardoned, then the control of the board over the prisoner shall
31 cease and terminate.

32 (c)(1) In the case of a prisoner sentenced to imprisonment for life who is convicted of
33 escape or attempted escape from the lawful custody of the warden of the adult correctional
34 institutions, the permit may be issued only after the prisoner has served not less than twenty-five

1 (25) years' imprisonment; provided, however, that as to a prisoner who has been sentenced to
2 imprisonment for life for a conviction of first- or second-degree murder, committed after July 1,
3 2015, and who is convicted thereafter of escape or attempted escape from the lawful custody of the
4 warden of the adult correctional institutions, the permit may be issued only after the prisoner has
5 served not less than thirty-five (35) years' imprisonment; and

6 (2) For each subsequent conviction of escape or attempted escape, an additional five (5)
7 years shall be added to the time required to be served.

8 (d) In the case of a prisoner sentenced consecutively to more than one life term for crimes
9 occurring after May 7, 1981, the permit may be issued only after the prisoner has served not less
10 than ten (10) years consecutively on each life sentence; provided, in the case of a prisoner sentenced
11 consecutively to more than one life term for crimes occurring after June 30, 1995, the permit may
12 be issued only after the prisoner has served not less than fifteen (15) years consecutively on each
13 life sentence. In the case of a prisoner sentenced consecutively to more than one life term for crimes
14 occurring after July 1, 2015, the permit may be issued only after the prisoner has served not less
15 than twenty (20) years consecutively on each life sentence. In the case of a prisoner sentenced
16 consecutively to more than one life term for crimes, including first- or second-degree murder,
17 occurring after July 1, 2015, the permit may be issued only after the prisoner has served not less
18 than twenty-five (25) years consecutively on each life sentence.

19 (e) Any person sentenced for any offense committed prior to his or her twenty-second
20 birthday, ~~other than a person serving life without parole,~~ shall be eligible for parole review and a
21 parole permit may be issued after the person has served no fewer than twenty (20) years'
22 imprisonment unless the person is entitled to earlier parole eligibility pursuant to any other
23 provisions of law. This subsection shall be given prospective and retroactive effect for all offenses
24 occurring on or after January 1, 1991.

25 SECTION 6. Sections 13-8.1-2 and 13-8.1-4 of the General Laws in Chapter 13-8.1 entitled
26 "Medical and Geriatric Parole" are hereby amended to read as follows:

27 **13-8.1-2. Purpose.**

28 (a) Medical parole is made available for humanitarian reasons and to alleviate exorbitant
29 medical expenses associated with inmates whose chronic and incurable illness render their
30 incarceration non-punitive and non-rehabilitative. Notwithstanding other statutory or
31 administrative provisions to the contrary, all prisoners, ~~except those serving life without parole,~~
32 shall at any time after they begin serving their sentences be eligible for medical parole
33 consideration, regardless of the crime committed or the sentence imposed.

34 (b) Geriatric parole is made available for humanitarian reasons and to alleviate exorbitant

1 expenses associated with the cost of aging, for inmates whose advanced age reduces the risk that
2 they pose to the public safety. Notwithstanding other statutory or administrative provisions to the
3 contrary, all prisoners ~~except those serving life without parole~~ shall be eligible for geriatric parole
4 consideration upon meeting the criteria set forth below, regardless of the crime committed or the
5 sentence imposed.

6 **13-8.1-4. Procedure.**

7 (a) The parole board is authorized to grant medical parole release of a prisoner, ~~except a~~
8 ~~prisoner serving life without parole~~, at any time, who is determined to be terminally ill, severely
9 ill, or permanently physically or cognitively incapacitated within the meaning of § 13-8.1-3(2)-(5).

10 (b) The parole board is authorized to grant geriatric parole release of a prisoner, ~~except a~~
11 ~~prisoner serving life without parole~~, who is an aging prisoner within the meaning of § 13-8.1-3(1)
12 or under medical parole as outlined by § 13-8.1-2.

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

21 (d) The report shall contain, at a minimum, the following information:

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

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

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

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

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

1 (6) [Deleted by P.L. 2021, ch. 162, art. 13, § 4.]

2 (e) When the director of corrections refers a prisoner to the parole board for medical or
3 geriatric parole, the director shall provide to the parole board a medical or geriatric discharge plan
4 that is acceptable to the parole board.

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

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

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

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

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

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

28 (i) Within seven (7) days of receiving the application, the medical or geriatric report and
29 the discharge plan, the parole board shall determine whether the application, on its face,
30 demonstrates that relief may be warranted. If the face of the application clearly demonstrates that
31 relief is unwarranted, the board may deny the application without a hearing or further proceedings,
32 and within seven (7) days shall notify the prisoner in writing of its decision to deny the application,
33 setting forth its factual findings and a brief statement of the reasons for denying release without a
34 hearing. Denial of release does not preclude the prisoner from reapplying for medical or geriatric

1 parole after the expiration of sixty (60) days. A reapplication under this section must demonstrate
2 a material change in circumstances.

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

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

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

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

15 (1) Periodic medical examinations;

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

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

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

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

25 (m) An annual report shall be prepared by the director of corrections for the parole board
26 and the general assembly. The report shall include:

27 (1) The number of inmates who have applied for medical or geriatric parole;

28 (2) The number of inmates who have been granted medical or geriatric parole;

29 (3) The nature of the illness, cognitive condition, functional impairment, and/or infirmity
30 of the applicants, and the nature of the placement pursuant to the discharge plan;

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

32 (5) The number of releasees on medical or geriatric parole who have been returned to the
33 custody of the department of corrections and the reasons for return; and

34 (6) The number of inmates who meet the statutory definition of "aging prisoner" and would

1 be potentially eligible for geriatric parole.

2 (n) An annual educational seminar will be offered by the department of corrections
3 healthcare services unit to the parole board and community stakeholders on aging and infirmity in
4 prison and special considerations that should be applied to aging prisoners and prisoners with
5 severe or terminal illnesses during parole consideration.

6
7 SECTION 7. Section 42-56-22 of the General Laws in Chapter 42-56 entitled "Corrections
8 Department" is hereby amended to read as follows:

9 **42-56-22. Labor by persons committed on mesne process or to answer criminal**
10 **charge.**

11 (a) Every person who shall be committed to the adult correctional institutions to answer for
12 any criminal offense, whether convicted or awaiting trial, or on mesne process in any qui tam or
13 penal action, or on mesne process or execution in any civil action, may be permitted to labor in the
14 discretion of the director, or his or her designee, for the state, and in that case may be paid not more
15 than three dollars (\$3.00) a day for every day he or she shall labor with the express consent of the
16 director, or his or her designee, of the department, to be credited to the prisoner's account by the
17 assistant director of administration, or his or her designee, and to be disbursed to the prisoner in
18 accordance with the rules and regulations of the institutions; provided, further, however, there shall
19 be maintained on account at all times at least twenty-five percent (25%) of the earnings of each
20 prisoner ~~up to a maximum of one hundred dollars (\$100) for those persons serving a sentence of~~
21 ~~life imprisonment without parole under §§ 11-23-2, 12-19.2-1 et seq.,~~ and up to a maximum of one
22 thousand dollars (\$1,000) for all other prisoners; those funds to be turned over to the prisoner at the
23 time of his or her release from the institution, the funds being his or her property; the moneys to be
24 paid to the prisoner by order of the assistant director of management services upon the general
25 treasurer.

26 (b) Nothing contained in this section shall prevent the use of the funds in the account for
27 the payment of any court fees and court costs required to be paid for the filing, prosecution, and
28 defense of any action.

29 SECTION 9. This act shall take effect upon passage and shall be given prospective and
30 retroactive effect for all offenses occurring on or after January 1, 1991.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- HOMICIDE

1 This act would abolish the penalty of life without parole and amend/repeal all sections of
2 the general laws regulating prisoners serving a sentence of life without parole.

3 This act would take effect upon passage and would be given prospective and retroactive
4 effect for all offenses occurring on or after January 1, 1991.

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