

2013 -- H 5147

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LC00269
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS

Introduced By: Representatives Serpa, Silva, Almeida, Carnevale, and O'Brien

Date Introduced: January 23, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 13-8-13 of the General Laws in Chapter 13-8 entitled "Parole" is
2 hereby amended to read as follows:

3 **13-8-13. Life prisoners and prisoners with lengthy sentences.** – ~~(a) In the case of a~~
4 ~~prisoner sentenced to imprisonment for life, a parole permit may be issued at any time after the~~
5 ~~prisoner has served not less than ten (10) years imprisonment provided, that:~~

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

10 ~~(2) In the case of a prisoner sentenced to imprisonment for life for a first or second~~
11 ~~degree murder committed after July 10, 1989, the permit may be issued only after the prisoner has~~
12 ~~served not less than fifteen (15) years imprisonment.~~

13 ~~(3) (i) In the case of a prisoner sentenced to imprisonment for life for a first or second~~
14 ~~degree murder committed after June 30, 1995, the permit may be issued only after the prisoner~~
15 ~~has served not less than twenty (20) years imprisonment; and~~

16 ~~(ii) The permit shall be issued only by a unanimous vote of all the attending members of~~
17 ~~the board, providing that not less than four (4) members are present, and whenever, after the issue~~
18 ~~of the permit, the prisoner shall be pardoned, then the control of the board over the prisoner shall~~
19 ~~cease and terminate.~~

1 ~~(4) (i) In the case of a prisoner sentenced to imprisonment for life who is convicted of~~
2 ~~escape or attempted escape from the lawful custody of the warden of the adult correctional~~
3 ~~institutions, the permit may be issued only after the prisoner has served not less than twenty five~~
4 ~~(25) years imprisonment; and~~

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

7 ~~(b) In the case of a prisoner sentenced consecutively to more than one life term for~~
8 ~~crimes occurring after May 7, 1981, the permit may be issued only after the prisoner has served~~
9 ~~not less than ten (10) years consecutively on each life sentence; provided, in the case of a prisoner~~
10 ~~sentenced consecutively to more than one life term for crimes occurring after June 30, 1995, the~~
11 ~~permit may be issued only after the prisoner has served not less than fifteen (15) years~~
12 ~~consecutively on each life sentence.~~

13 (a)(1) No person convicted for a first or second degree murder and who has been
14 sentenced to a term of life imprisonment shall be eligible for a parole permit until he or she
15 actually shall have served at least thirty (30) years of the life sentence.

16 (2) If any such person shall be sentenced to consecutive life sentences for convictions of
17 more than a single first or second degree murder, he or she shall not be eligible for a parole
18 permit until he or she actually shall have served thirty (30) years of each of the life sentences.

19 (3) No person sentenced to a term of life imprisonment for the commission of a crime
20 other than first or second degree murder, shall be eligible for a parole permit until he or she
21 actually shall have served at least twenty (20) years of the life sentence. In the event the person
22 has received consecutive life sentences for crimes other than first or second degree murder, he or
23 she will be required to serve twenty (20) years of each sentence before being eligible for a parole
24 permit.

25 (4) The preceding subdivisions (a)(1), (a)(2), and (a)(3), shall apply to crimes committed
26 on or after July 1, 2005. All persons convicted and sentenced for crimes committed prior to July
27 1, 2005 shall continue to be eligible for a parole permit as provided for at the time of the
28 commission of the particular offense or offenses for which the sentence or sentences were
29 imposed and, if applicable, pursuant to sections 13-8-9 and 13-8-10.

30 (5) In the case of a prisoner who has been sentenced to a term of life imprisonment for
31 conviction of first or second degree murder committed after July 10, 1989 and prior to June 30,
32 1995, no parole permit may be issued until the prisoner actually shall have served at least fifteen
33 (15) years imprisonment.

34 (6) In the case of a prisoner who has been sentenced to a term of life imprisonment for

1 conviction of first or second degree murder committed after June 30, 1995 and prior to July 1,
2 2005, no parole permit may be issued until the prisoner actually shall have served at least twenty
3 (20) years imprisonment.

4 (7) In the case of a prisoner who has been sentenced consecutively to more than one term
5 of life imprisonment for conviction of crimes, other than first and second degree murder,
6 committed after May 7, 1981 and prior to July 1, 2005, no parole permit may be issued until the
7 prisoner actually shall have served at least ten (10) years consecutively on each life sentence.

8 (8) In the case of a prisoner who has been sentenced consecutively to more than one term
9 of life imprisonment for any crimes occurring after June 30, 1995 and prior to July 1, 2005, no
10 parole permit may be issued until the prisoner actually shall have served at least fifteen (15) years
11 consecutively on each life sentence.

12 (9) In the case of a prisoner who has been sentenced to a term of life imprisonment and
13 thereafter who is convicted of escape or attempted escape from the lawful custody of the warden
14 of the adult correctional institutions, no parole permit may be issued until the prisoner actually
15 shall have served at least twenty-five (25) years imprisonment; provided, however, that a prisoner
16 who has been sentenced to a term of life imprisonment for conviction of first or second degree
17 murder, committed on or after July 1, 2005, and who is convicted thereafter of escape or
18 attempted escape from the lawful custody of the warden of the adult correctional institutions, no
19 parole permit may be issued until the prisoner actually shall have served at least thirty-five (35)
20 years imprisonment. For each subsequent conviction of escape or attempted escape, an additional
21 five (5) years shall be added to the time required to be served.

22 (b) The permit shall be issued only by a unanimous vote of all the attending members of
23 the board, with no fewer than four (4) members present.

24 (c) If, after the issue of the permit the prisoner is pardoned, the control of the board over
25 the prisoner shall cease.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS

- 1 This act would change the parole guidelines for persons who commit first and second
- 2 degree murder.
- 3 This act would take effect upon passage.

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