

# RESOLUTION OF THE CITY COUNCIL

No. 205

*Approved* March 27, 1998

RESOLVED, That the City Council hereby endorses and urges passage by the General Assembly of House Bill 98-H 8225 and Senate Bill 98-S 2618 relating to crime in neighborhoods, in substantially in form attached.

IN CITY COUNCIL  
MAR 19 1998  
READ AND PASSED  
*[Signature]*  
ACTING PRES.  
*[Signature]*  
CLERK  
*[Signature]*

**APPROVED**  
MAR 27 1998  
*[Signature]*  
MAYOR

IN CITY COUNCIL

**MAR 5 1998**  
FIRST READING  
REFERRED TO COMMITTEE ON  
STATE LEGISLATION

Michael R. Clement CLERK  
*John*

THE COMMITTEE ON

State Legislation  
Recommends passage  
Barbara A. Garrison  
3-10-98 CLERK

*Council President J. J. J. J.*

LC02155

## STATE OF RHODE ISLAND

98-S 2618

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1998

## AN ACT

## RELATING TO CRIMINAL PROCEDURE

98-S 2618

Introduced By: Senators Kells, Graziano, Goodwin, Walton, Roney,  
et al.

Date Introduced: February 5, 1998

Referred To: Senate Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-19-2.2 of the General Laws in Chapter 12-19 entitled "Sentence  
2 and Execution" is hereby amended to read as follows:

3 12-19-2.2. Alternative confinement. -- (a) Notwithstanding any other provisions of this  
4 chapter, whenever a defendant is convicted of a nonviolent criminal offense and is between the  
5 ages of eighteen (18) and twenty-eight (28) and receives a maximum sentence of three (3) years  
6 or less to serve and the department of corrections is satisfied that the ends of justice and the best  
7 interests of the public as well as the offender will be served thereby, the director of the  
8 department of corrections may make application to the sentencing judge for an order that the  
9 convicted offender be placed in a well structured highly disciplined shock incarceration program  
10 administered by the department of corrections. Said program shall include extensive physical  
11 regimentation, drug and alcohol abuse counseling, behavioral counseling and mandatory  
12 education courses and community services. This program will be open to first time offenders.  
13 For the purpose of this section, a first time offender shall be defined as an individual who has not  
14 been incarcerated pursuant to a conviction.

15 The written application by the director to the sentencing judge for an order directing that  
16 a sentenced person be confined in the shock incarceration program shall set forth his/her reason  
17 for seeking said order. The hearing on said application shall be held within ten (10) business  
18 days following the filing of said application. If the sentencing judge is unavailable to hear and

1 consider the application the presiding justice of the superior court shall designate another judge  
2 to do so.

3 (b) The program shall be not less than one hundred eighty (180) days nor more than two  
4 hundred (200) days in duration and shall be operated in accordance with rules and regulations  
5 promulgated by the department of corrections and as otherwise provided for by law.

6 (c) The director or his or her designee shall report to the sentencing court whether the  
7 convicted offender completes or does not complete the program together with any additional  
8 information the director shall deem appropriate with respect to the offender's conduct during the  
9 course of the program. Upon receipt of this report, the original sentencing judge may, upon his or  
10 her own order, in the event of successful completion, suspend but not vacate the remainder of the  
11 offender's sentence and place the offender on probation as provided by this chapter; or upon his  
12 or her own order, in the event of unsuccessful completion, will confine the offender to the adult  
13 correctional institution for the balance of the original sentence still remaining with credit being  
14 given for such time as may have been spent in the program. In the event said unsuccessful  
15 completion of the program is the result of an additional criminal offense, than the additional  
16 sentence imposed for the new offense shall be in addition to and not concurrent with the original  
17 sentence.

18 (d) Defendants convicted of a violent felony or previously convicted of a crime of  
19 violence shall not be eligible for this program.

20 A violent felony as used herein shall mean any one of the following crimes or an attempt  
21 to commit such crime: murder, manslaughter, sexual assault, mayhem, robbery, burglary, assault  
22 with a dangerous weapon and assault or battery resulting in serious bodily injury.

23 (e) The director of the department of corrections shall annually review the operation of  
24 the program and report his findings to the general assembly.

25 (f) There shall be created within the department of probation a special division which  
26 shall supervise those convicted offenders who were placed on probation as a result of completing  
27 this program.

28 (g) The supervision of persons confined under the provisions of this section shall be  
29 conducted by the director or his designee.

30 The director shall have full power and authority to enforce any of the provisions of this  
31 section by regulation, subject to the provisions of the administrative procedures act, chapter 35  
32 of title 42. Notwithstanding any provision to the contrary, the department of corrections may

1 contract with private agencies to carry out the provisions of this section. The civil liability of  
2 such agencies and their employees, acting within the scope of their employment, and carrying  
3 out the provisions of this section, shall be limited in the same manner and dollar amount as if  
4 they were agencies or employees of the state.

5 (h) The state planning council established pursuant to the provisions of section 42-11-10,  
6 is hereby authorized and directed to determine the most appropriate location for the program.

7 (i) Alternative confinement pursuant to this section shall commence upon the approval  
8 by the general assembly of funding sufficient to carry out the purposes of this section.

9 Any person convicted of selling, distributing or giving away on any street, sidewalk or  
10 highway in an area designated as a "residential zone" by a municipality, as defined by the zoning  
11 ordinance of the respective city or town, any bottle, box, envelope, tablets or other package  
12 containing any drug or narcotic, the court shall sentence that person to at least one (1) year of  
13 imprisonment in addition to any other punishment the court, in its discretion, may impose.

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

LC02155

**98-S 2618**

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO CRIMINAL PROCEDURE

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1 This act requires the court to impose a 1 year sentence of imprisonment in addition to  
2 any other punishment, for selling, distributing etc. in areas designated as residential zones.

3 This act would take effect upon passage.

LC02155

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LC02154

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## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

**98-H 8225**

JANUARY SESSION, A.D. 1998

## AN ACT

## RELATING TO CRIMINAL PROCEDURE

98-H 8225

Introduced By: Rcps. Slater, Metts, Giannini, Carpenter  
and Lanzi

Date Introduced: February 3, 1998

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1       SECTION 1. Section 12-19-2.2 of the General Laws in Chapter 12-19 entitled "Sentence  
2       and Execution" is hereby amended to read as follows:

3       12-19-2.2. Alternative confinement. — (a) Notwithstanding any other provisions of this  
4       chapter, whenever a defendant is convicted of a nonviolent criminal offense and is between the  
5       ages of eighteen (18) and twenty-eight (28) and receives a maximum sentence of three (3) years  
6       or less to serve and the department of corrections is satisfied that the ends of justice and the best  
7       interests of the public as well as the offender will be served thereby, the director of the  
8       department of corrections may make application to the sentencing judge for an order that the  
9       convicted offender be placed in a well structured highly disciplined shock incarceration program  
10      administered by the department of corrections. Said program shall include extensive physical  
11      regimentation, drug and alcohol abuse counseling, behavioral counseling and mandatory  
12      education courses and community services. This program will be open to first time offenders.  
13      For the purpose of this section, a first time offender shall be defined as an individual who has not  
14      been incarcerated pursuant to a conviction.

15      The written application by the director to the sentencing judge for an order directing that  
16      a sentenced person be confined in the shock incarceration program shall set forth his/her reason  
17      for seeking said order. The hearing on said application shall be held within ten (10) business  
18      days following the filing of said application. If the sentencing judge is unavailable to hear and

1 consider the application the presiding justice of the superior court shall designate another judge  
2 to do so.

3 (b) The program shall be not less than one hundred eighty (180) days nor more than two  
4 hundred (200) days in duration and shall be operated in accordance with rules and regulations  
5 promulgated by the department of corrections and as otherwise provided for by law.

6 (c) The director or his or her designee shall report to the sentencing court whether the  
7 convicted offender completes or does not complete the program. In addition,  
8 information the director shall deem appropriate with respect to the offender's conduct during the  
9 course of the program. Upon receipt of this report, the original sentencing judge may, upon his or  
10 her own order, in the event of successful completion, suspend but not vacate the remainder of the  
11 offender's sentence and place the offender on probation as provided by this chapter; or upon his  
12 or her own order, in the event of unsuccessful completion, will confine the offender to the adult  
13 correctional institution for the balance of the original sentence still remaining with credit being  
14 given for such time as may have been spent in the program. In the event said unsuccessful  
15 completion of the program is the result of an additional criminal offense, then the additional  
16 sentence imposed for the new offense shall be in addition to and not concurrent with the original  
17 sentence.

18 (d) Defendants convicted of a violent felony or previously convicted of a crime of  
19 violence shall not be eligible for this program.

20 A violent felony as used herein shall mean any one of the following crimes or an attempt  
21 to commit such crime: murder, manslaughter, sexual assault, mayhem, robbery, burglary, assault  
22 with a dangerous weapon and assault or battery resulting in serious bodily injury.

23 (e) The director of the department of corrections shall annually review the operation of  
24 the program and report his findings to the general assembly.

25 (f) There shall be created within the department of probation a special division which  
26 shall supervise those convicted offenders who were placed on probation as a result of completing  
27 this program.

28 (g) The supervision of persons confined under the provisions of this section shall be  
29 conducted by the director or his designee.

30 The director shall have full power and authority to enforce any of the provisions of this  
31 section by regulation, subject to the provisions of the administrative procedures act, chapter 35  
32 of title 42. Notwithstanding any provision to the contrary, the department of corrections may

1 contract with private agencies to carry out the provisions of this section. The civil liability of  
2 such agencies and their employees, acting within the scope of their employment, and carrying  
3 out the provisions of this section, shall be limited in the same manner and dollar amount as if  
4 they were agencies or employees of the state.

5 (h) The state planning council established pursuant to the provisions of section 42-11-10,  
6 is hereby authorized and directed to determine the most appropriate location for the program.

7 (i) Alternative confinement pursuant to this section shall commence upon the approval  
8 by the general assembly of funding sufficient to carry out the purposes of this section.

9 Any person convicted of selling, distributing or giving away on any street, sidewalk or  
10 highway in an area designated as a "residential zone" by a municipality, as defined by the zoning  
11 ordinance of the respective city or town, any bottle, box, envelope, tablets or other package  
12 containing any drug or narcotic, the court shall sentence that person to at least one (1) year of  
13 imprisonment in addition to any other punishment the court, in its discretion, may impose.

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

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LC02154  
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**98-H 8225**

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

AN ACT  
RELATING TO CRIMINAL PROCEDURE

\*\*\*

- 1 This act requires the court to impose a 1 year sentence of imprisonment in addition to
- 2 any other punishment, for selling, distributing etc. in areas designated as residential zones.
- 3 This act would take effect upon passage.

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LC02154  
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# RESOLUTION OF THE CITY COUNCIL

No. 206

Approved March 27, 1998

RESOLVED, That the City Council hereby endorses and urges passage by the General Assembly of House Bill 98-H 7838 and Senate Bill 98-S 2791 relating to school mandates, in substantially the form attached.

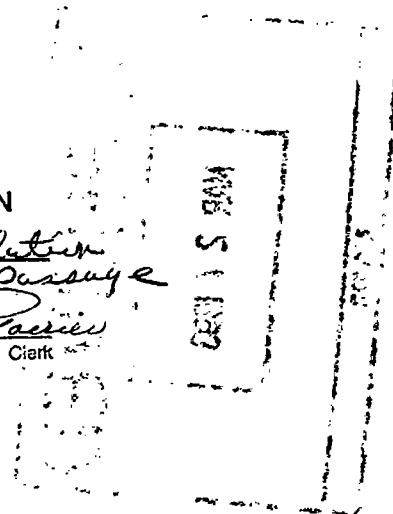
IN CITY COUNCIL  
MAR 19 1998  
READ AND PASSED  
*[Signature]*  
ACTING PRES.  
*[Signature]*  
CLERK  
*[Signature]*

APPROVED  
MAR 27 1998  
*[Signature]*  
MAYOR

IN CITY COUNCIL  
MAR 5 1998  
FIRST READING  
REFERRED TO COMMITTEE ON  
STATE LEGISLATION

Michael R. Clement CLERK  
*me*

THE COMMITTEE ON  
State Legislation  
Recommends Passage  
Richard A. Packer  
3-10-98 Clerk



Council President Fargnoli:

LC02505

## STATE OF RHODE ISLAND

**98-H 7838**

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1998

## A N A C T

RELATING TO STATE AID

98-H 7838

Introduced By: Reps. Giannini, Carpenter, Cicilline,  
Lima and Slater

Date Introduced: February 3, 1998

Referred To: Committee on Finance

It is enacted by the General Assembly as follows:

- 1           SECTION 1. Section 45-13-9 of the General Laws in Chapter 45-13 entitled "State Aid"
- 2   is hereby amended to read as follows:
- 3           45-13-9. Reimbursement to cities and towns for the costs of state mandates. -- (a) (1)
- 4   The department of administration shall submit to the budget office by September 1 of each year, \_
- 5   a report by each city and town, of the cost of state mandates and the regulations of the
- 6   commissioner of education and the board of regents established after January 1, 1979, to be
- 7   reimbursed for the next preceding July 1 -- June 30 period.
- 8           (2) The budget office shall annually include the statewide total of the statement of costs
- 9   of state mandates and the regulations of the commissioner of education and the board of regents
- 10   to be reimbursed in the state budget for the next fiscal year provided, however, that any costs
- 11   resulting from the rules and regulations of state departments or agencies shall be allocated to the
- 12   budgets of those departments or agencies.
- 13           (b) The state treasurer shall in July of each year distribute to cities and towns the
- 14   reimbursements for state mandated costs in accordance with the report submitted by the
- 15   department of administration to the state budget office.

# 98-H 7838

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

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LC02505  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
AN ACT  
RELATING TO STATE AID

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1 This act requires the department of administration to submit to the budget office  
2 regulations of the commissioner of education and board of regents and, requires the budget office  
3 to include annually in its statement of costs the regulations of the commissioner of education and  
4 the board of regents.

5 This act would take effect upon passage.

2

LC02503

## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

**98-S 2791**

JANUARY SESSION, A.D. 1998

## A N A C T

## RELATING TO STATE AID

98-S 2791

Introduced By: Senators Walton and Goodwin

Date Introduced: February 10, 1998

Referred To: Senate Committee on Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 45-13-9 of the General Laws in Chapter 45-13 entitled "State Aid"

2           is hereby amended to read as follows:

3           45-13-9. Reimbursement to cities and towns for the costs of state mandates. -- (a) (1)

4           The department of administration shall submit to the budget office by September 1 of each year,  
5           a report by each city and town, of the cost of state mandates and the regulations of the  
6           commissioner of education and the board of regents established after January 1, 1979, to be  
7           reimbursed for the next preceding July 1 -- June 30 period.

8           (2) The budget office shall annually include the statewide total of the statement of costs  
9           of state mandates and the regulations of the commissioner of education and the board of regents  
10          to be reimbursed in the state budget for the next fiscal year provided, however, that any costs  
11          resulting from the rules and regulations of state departments or agencies shall be allocated to the  
12          budgets of those departments or agencies.

13          (b) The state treasurer shall in July of each year distribute to cities and towns the  
14          reimbursements for state mandated costs in accordance with the report submitted by the  
15          department of administration to the state budget office.

**98-S 2791**

SECTION 2. This act shall take effect upon passage.

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LC02503  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
AN ACT  
RELATING TO STATE AID

\*\*\*

1        This act requires the department of administration to submit to the budget office  
2 regulations of the commissioner of education and board of regents and, requires the budget office  
3 to include annually in its statement of costs the regulations of the commissioner of education and  
4 the board of regents.

5        This act would take effect upon passage.

LC02507

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

**98-S 2611**

JANUARY SESSION, A.D. 1998

A N A C T

RELATING TO EDUCATION -- PERMANENT SCHOOL FUND

98-S 2611

Introduced By: Senators Walton, Goodwin, and Perry

Date Introduced: February 5, 1998

Referred To: Senate Committee on Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 16-4 of the General Laws entitled "Permanent School Fund" is  
2 hereby amended by adding thereto the following section:  
3           16-4-6.1. Adjustment of appropriation from the fund. -- If the average daily  
4 enrollment of pupils attending public schools in a city or town increases by more than two  
5 percent (2%) over the October 1 report at mid-year, the state's share of the funding to the  
6 affected city or town shall be adjusted to reflect the increase and the city or town shall be  
7 reimbursed on a per-pupil cost basis.

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

EXPLANATION

LC02507

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO EDUCATION -- PERMANENT SCHOOL FUND

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1           This act would allow a municipality to receive a reimbursement out of the permanent  
2 school fund if enrollment of pupils attending public schools increases by more than two percent  
3 (2%).

This act would take effect upon passage



LC02508

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

98-H 7786

JANUARY SESSION, A.D. 1998

AN ACT

RELATING TO EDUCATION -- PERMANENT SCHOOL FUND

98-H 7786

Introduced By: Reps. Fox, Moura, Giannini, San Bento  
and Smith

Date Introduced: February 3, 1998

Referred To: Committee on Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-4 of the General Laws entitled "Permanent School Fund" is  
2 hereby amended by adding thereto the following section:

3 16-4-6.1. Adjustment of appropriation from the fund. -- If the average daily  
4 enrollment of pupils attending public schools in a city or town increases by more than two  
5 percent (2%) over the October 1 report at mid-year, the state's share of the funding to the  
6 affected city or town shall be adjusted to reflect the increase and the city or town shall be  
7 reimbursed on a per-pupil cost basis.

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

EXPLANATION

LC02508

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO EDUCATION -- PERMANENT SCHOOL FUND

\*\*\*

1 This act would allow a municipality to receive a reimbursement out of the permanent  
2 school fund if enrollment of pupils attending public schools increases by more than two percent  
3 (2%).

4 This act would take effect upon passage.