

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 268

Approved June 9, 1992

RESOLVED, That the Chief Electrical Inspector is requested to cause the Lumen to be increased on those Street Lights located along Funston Avenue.

IN CITY COUNCIL
JUN 4 1992
READ AND PASSED
Evelyn V. Fargnoli
ACTING PRES.
Michael R. Clement
CLERK

APPROVED
JUN 8 1992
James A. Oliver
MAYOR



Councilwoman Fargnoli (by Request)

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

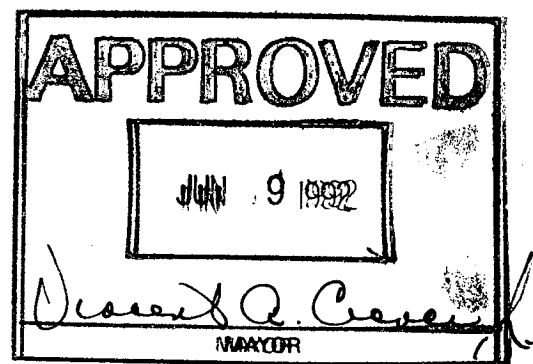
RESOLUTION OF THE CITY COUNCIL

No. 269

Approved June 9, 1992

RESOLVED, That the City Solicitor is requested
to cause to be introduced and urge passage of 92-S 2245
relating to the penalty for purchase or procurement of
Alcoholic Beverages for Underage Persons by Adults.

IN CITY COUNCIL
JUN 4 1992
READ AND PASSED
Enidyn V. Fargnoli
ACTING PRES.
Michael L. Clement
CLERK



Councilman Legiozzi (by Request)

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1992

FLOOR AMENDMENT

TO

92 -- S-2245

AN ACT RELATING TO THE PENALTY FOR PURCHASE
OR PROCUREMENT OF ALCOHOLIC BEVERAGES
FOR UNDERAGE PERSONS BY ADULTS

Mr. President:

I hereby move to amend 92 -- S-2245, entitled "AN ACT RELATING TO THE PENALTY FOR PURCHASE OR PROCUREMENT OF ALCOHOLIC BEVERAGES FOR UNDERAGE PERSONS BY ADULTS," as follows:

On page 2 by deleting line 7 in its entirety and inserting in place thereof the following:

SECTION 2. For the purposes of promoting the public health, safety, morals or general welfare, the city council of the city of Providence, shall have the power in accordance with the provisions of this act within the limits of said city by ordinance, to pass, ordain, establish and amend an ordinance to establish a juvenile hearing board.

Without limiting the generality of the aforementioned, such ordinance may include the following provisions:

Sec. 1. Establishment of juvenile hearing board. -- There is hereby established within the city of Providence a juvenile hearing board with the powers set forth in this ordinance for the purpose of hearing all cases referred to such board by the chief of the police department, with respect to persons resident in the city of Providence, under the age of eighteen (18), who are charged with violating the criminal laws of the state of Rhode Island, or the city of Providence.

Sec. 2. Referral to juvenile hearing board. -- Any person who is a resident of the city of Providence, and under the age of eighteen (18) may request a hearing at the juvenile hearing board, provided,

that the approval is made by the chief of police. If he or she is arrested and the offense is one which if committed by an adult, would be a misdemeanor; provided however, that this requirement shall not apply in the case of any person:

(a) who has been charged with the crime of assault or battery or

(b) who shall have been twice previously referred to the juvenile hearing board or have been once previously referred and refused or failed to abide by the sanctions imposed or make the restitution recommended, and/or

(c) who at the time of commission of such juvenile offense shall be within the custody and control of the family court, not to include guardianship matters.

The chief of police may offer referral to the juvenile hearing board to any other juvenile offender where, in the opinion of the chief of police, such referral would be beneficial to the juvenile concerned and the community at large. No referral to the juvenile hearing board shall be made by the juvenile division until such person, together with his legal guardians, shall have in writing waived such person's right to a hearing in the family court with respect to the offense charged, has agreed to guilt, and shall have agreed to abide by the decision of the juvenile hearing board. Provided, further, however, failure to comply with the decision of the juvenile hearing board may result in referral back to family court by the chief of police.

Sec. 3. Composition. -- The membership of the juvenile hearing board shall consist of five (5) persons over the age of eighteen (18) years, to be appointed by the city council of the city of Providence, all of whom shall have been a resident for at least three (3) years within the city of Providence and none of whom shall be attorneys admitted to practice before the supreme court of the state of Rhode Island. The city council shall appoint one (1) member whose term shall expire on December 1, 1993, and thereafter until his/her successor is appointed and qualified, two (2) members whose term shall expire on December 1, 1994, and thereafter until their successors are

appointed and qualified, two (2) members whose terms shall expire on December 1, 1995, and thereafter until their successors are appointed and qualified. The two (2) alternates shall be appointed for one (1) year terms. During the month of November and annually thereafter, the city council shall appoint a member to succeed the member or members whose terms will then next expire, to serve for a term of three (3) years, commencing on the first day of December, and thereafter until their successors are appointed and qualified. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, such vacancy shall be filled in like manner as the original appointment, but only for the remainder of the term of the former member. No member of the juvenile hearing board shall be entitled to receive any compensation by reason of his/her service on the board. An attorney may be appointed to the board as an ex-officio member by the chief judge of family court.

The composition of the juvenile hearing board shall consist of citizens of Providence who have background in and of the related fields: education, probation and parole, human services, community youth programs, members of the clergy, former law enforcement or judicial officials or any citizen who the council deems has the credentials that would be an asset to the juvenile hearing board.

Sec. 4. Duties. -- The juvenile hearing board shall hear all cases referred to it by the chief of police and shall recommend sanctions (other than incarceration), and shall direct restitution for any injuries resulting from the commission of such offense. In those cases in which the board shall order restitution, it shall attempt to assist the juvenile offender and his parents in providing a means whereby the offender may make such restitution. In any such proceeding the juvenile hearing board, prior to imposing sanctions, shall request the juvenile offender and his parents to agree to the sanctions imposed, and the amount of restitution and manner of making the same. In ordering restitution, the juvenile hearing board shall take into account the juvenile offender's ability to pay, the the amount of actual damage caused as a result of the commission of such

offense. The board shall have the right to levy hearing costs.

Sec. 5. Meetings. -- The juvenile hearing board shall meet not less than once each month. It shall give notice of the matters to be heard before it, to the chief of police, the juvenile officer and the juvenile offender and his/her parents, not less than ten (10) days prior to the date of the hearing. Any juvenile offender shall be entitled to be represented by counsel and present evidence in his behalf. A majority of the members of the juvenile hearing board shall constitute a quorum, and its proceedings shall be closed to the public.

The juvenile hearing board shall elect one (1) from its members as its chairman, and one (1) as its vice-chairman. In the absence of the chairman, the vice-chairman shall be the presiding officer. A majority of the members present shall be required to take any action. The juvenile hearing board shall have the power from time to time to draft rules governing its proceedings or to amend or repeal any rules theretofore adopted, with the approval of the chief of police.

SECTION 3. This act shall take effect upon passage and section 2 of this act shall apply to all juveniles alleged to have committed an offense after the date of its enactment and shall take effect and be made a part of the code of ordinances, city of Providence, Rhode Island, upon its passage and all ordinances and parts of the code of ordinances, city of Providence, Rhode Island, inconsistent herewith are hereby repealed.

Respectfully submitted,

Senator John J. Bevilacqua

CT1619
