

2008 -- H 7583

LC02189

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO CRIMINAL PROCEDURES -- SENTENCING AND EXECUTION

Introduced By: Representatives Almeida, Diaz, Mattiello, and Ferri

Date Introduced: February 26, 2008

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **12-19-19. Sentencing on plea of guilty or nolo contendere -- Deferment of sentence. -**

4 - Whenever any prisoner is arraigned before the superior court and pleads guilty or refuses to
5 contend with the state, he or she may be at any time sentenced by the court; provided, that if at
6 any time the court formally defers sentencing the defendant, and upon the deferral a written
7 agreement concerning the deferring of sentence is entered into between the attorney general and
8 the prisoner and filed with the clerk of the court, the court may only impose sentence within five
9 (5) years from and after the date of the written agreement, unless during the period, the prisoner
10 shall be sentenced to imprisonment in this or in any other state, in which event the court may
11 impose sentence at any time within five (5) years from and after the termination of the sentence
12 of imprisonment, or unless at the time the sentence is formally deferred the prisoner is serving a
13 term of imprisonment under sentence previously imposed in another case, in which event the
14 court may impose sentence at any time within five (5) years from and after the date on which the
15 prisoner is released from prison either on parole or at the termination of the sentence of
16 imprisonment, whichever first occurs. If no action is taken on the deferment for a period of five
17 (5) years following the agreement, or if a case is dismissed pursuant to rule 48(a), or a verdict of
18 not guilty results after trial by judge or jury, the case shall be automatically quashed and
19 destroyed. All records relating to the case shall be expunged pursuant to the provisions of chapter

1 1.3 of this title. Further, if any record of the case has been entered into a docket or alphabetical
2 index, whether kept in writing or in an electronic information storage system or other data
3 compilation system, all references to the identity of the person charged by the complaint shall be
4 removed from the docket or index. No criminal record shall result; provided that in any civil
5 action for a tort, a plea of guilty or a finding of guilty should be admissible notwithstanding the
6 fact that the complaint has been deferred.

7 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 require the records of deferred sentences, dismissals under rule 48(a), or a
2 not guilty finding by a judge or jury after trial, to be automatically quashed and destroyed, if upon
3 completion of the five (5) year period after acceptance of the deferred sentence, no action has
4 been taken on the case. Further, all records relating to the case would be expunged under chapter
5 12-1.3.

6 This act would take effect upon passage.

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