

RHODE ISLAND SUPREME COURT

Office of General Counsel

Licht Judicial Complex

250 Benefit Street

Providence, RI 02903

401-222-8714/401-222-8634 (Fax)

April 24, 2024

Via Electronic Mail (HouseJudiciary@rilegislature.gov)

The Honorable Robert E. Craven

House Committee on the Judiciary

Rhode Island State House

House Lounge

Providence, RI 02903

Re: House #7800: An Act Relating to Criminal Procedures – Victim’s Rights


Dear Chairman Craven:

I write on behalf of the Rhode Island Judiciary to express our support for House Bill #7800, scheduled to be heard and considered this evening before the House Judiciary Committee. If enacted, this bill would amend R.I. Gen. Law 12-28-5.1 to allow the Courts to waive the filing fees and service of process costs when the victim of a crime seeks to enforce a civil judgment for restitution owed to the victim at the conclusion of a defendant’s criminal sentence.

During the length of a criminal sentence the Courts monitor and enforce payments of restitution to the victims of a crime. However, at the conclusion of the defendant’s sentence the Courts no longer have authority to continue to monitor and enforce payment of restitution. In State v. Regan, the Rhode Island Supreme Court ruled that where a criminal defendant was compliant with court-ordered restitution payments, but the sentence expired before the restitution to the victim was paid in full, the Court could not keep the case open to continue to collect restitution or impose a term of incarceration. Under these circumstances, the only recourse for the victim is to attempt to collect restitution owed by filing a petition with the Court to enforce the civil judgment which was entered at the time the sentence was imposed. This legislation would allow the Courts to waive the initial filing fees and service of process costs for the victim where he or she seeks to file a petition to enforce a civil judgment. It also provides that subsequent filing fees and service of process costs may be waived at the discretion of the Court

I ask that the House Judiciary Committee to consider passage of this legislation. Thank you for the opportunity to express the Judiciary’s support for this bill.

Sincerely,


Kathleen Kelly
General Counsel