



RHODE ISLAND SUPREME COURT

Office of General Counsel

Licht Judicial Complex

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April 1, 2025

Via Electronic Mail (HouseJudiciary@rilegislature.gov)

Chairman Robert E. Craven, Sr.
House Committee on the Judiciary
Rhode Island State House
House Lounge
Providence, RI 02903

Re: House Bill #5501: An Act Relating to Criminal Offenses - Bail and Recognizance

Dear Chairman Craven:

I write on behalf of the Judiciary and the District Court to respectfully express its concerns regarding House Bill #5501, scheduled to be heard and considered this evening before the House Judiciary Committee. If enacted in its present form, this legislation would severely restrict the constitutionally mandated judicial discretion of judges and magistrates to make bail determinations and therefore, violate the Separation of Powers Doctrine.

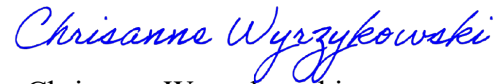
An accused's right to bail is guaranteed by the Rhode Island Constitution, Article 1, § 9. However, this right may be restricted or subject to conditions based on the facts of the criminal case, including under certain circumstances, an order to hold a person without bail. Mello v. Superior Court, 370 A.2d 1262 (1977). Bail and the revocation of bail are squarely within the judicial sphere of government, Witt v. Moran, 572 A.2d 261 (1990), and the Courts retain discretionary power to grant the accused bail, set conditions of bail, or revoke bail. Mello v. Superior Court, 370 A.2d 1262 (1977). Not only does this bill impermissibly limit judicial discretion, but it also undermines public safety by requiring personal recognizance bail regardless of the defendant's criminal history, the type of misdemeanor criminal offense(s), or the number of misdemeanor offenses pending against the defendant.

Everyday judges and magistrates make bail determinations based upon the facts of the criminal case(s) before them, the accused's prior criminal history, and other relevant factors. Judicial officers set personal recognizance bail in most instances. It is only where the facts and circumstances of the case(s) have been evaluated and the Court determines the accused poses a risk to public safety or may fail to appear in the future, are monetary bail conditions imposed.

I ask the House Judiciary Committee to carefully consider the impact of this bill on the constitutionally protected separation of powers between the three branches of government and from a public safety perspective.

Thank you for the opportunity to express the Judiciary's concerns regarding this bill.

Sincerely,



Chrisanne Wyrzykowski
Deputy General Counsel
Rhode Island Supreme Court