



## **RHODE ISLAND SUPREME COURT**

*Office of General Counsel*

Licht Judicial Complex

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Providence, RI 02903

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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, Rhode Island 02903

### **Re: House Bill #6041: An Act Relating to Criminal Procedure - Sentence and Execution**

Dear Chairperson Craven:

I write on behalf of the Judiciary to respectfully express the Judiciary's concerns regarding House Bill # 6041, scheduled to be heard and considered this evening before the House Judiciary Committee. If enacted, this bill would restrict the discretion of judges and magistrates to determine bail conditions on convicted defendants presented to the court as probation violators.

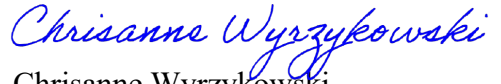
A probation violator is one who is currently convicted and sentenced on a criminal offense but is serving that sentence in the community, generally on a suspended sentence and/or term of probation. The purpose of this type of sentence is premised upon the underlying legal agreement that given the opportunity to remain in the community, the individual will live within the rules of society and the law, keeping the peace and being of good behavior. When an individual is alleged to have violated that agreement, the Courts must be free to consider bail other than personal recognizance when the circumstances warrant it. Rule 32(f) of the Rules of Criminal Procedure provide that a defendant may be granted bail pending the hearing. R.I. Gen. Law § 12-19-9 provides that the court may order the defendant held without bail for a period not exceeding ten (10) days, excluding Saturdays, Sundays, and holidays. Restricting this discretion usurps the constitutionally mandated independence and authority of the Courts and violates the Separation of Powers Doctrine.

When determining bail for an individual alleged to have violated probation, the judge or magistrate reviews the accused's background, conviction history, length of the probation sentence or sentences, concerns regarding safety to the public and the victim(s), and the accused likelihood of appearing before the court to answer to the allegations. The accused has the benefit of counsel on his or her behalf at the time bail is considered. It is the judicial officer with all the relevant information before him or her who is in the best position to make an informed decision.

I ask the House Judiciary Committee to carefully consider the potentially harmful impact of House Bill # 6041 when contemplating this legislation.

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

Sincerely,

A handwritten signature in blue ink that reads "Chrisanne Wyrzykowski". The signature is written in a cursive style with a large, stylized "W".

Chrisanne Wyrzykowski  
Deputy General Counsel  
Rhode Island Supreme Court