



STATE OF RHODE ISLAND JUDICIARY

SUPREME COURT
OFFICE OF GENERAL COUNSEL

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March 10, 2026

Via Electronic Mail (SenateJudiciary@rilegislature.gov)

Chairman Matthew LaMountain
Senate Committee on Judiciary
Rhode Island State House
Room 313
Providence, Rhode Island 02903

Re: Senate Bill #2161: An Act Relating to Criminal Procedure – Sentence and Execution

Dear Chairman LaMountain:

I write on behalf of the Rhode Island Judiciary to respectfully express the Judiciary's concerns regarding Senate Bill # 2161, scheduled to be heard this evening before the Senate Committee on Judiciary. 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 grounded in 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 for any reason, the Courts must be free to consider bail other than personal recognizance when the circumstances warrant. Rule 32(f) of the Rules of Criminal Procedure provide that a defendant may be granted bail pending the hearing. R.I. Gen. Laws § 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. Further, the legislation mandates that the Court "shall set reasonable bail and may set other reasonable conditions of release" and in many cases "there shall be a presumption of release pending a defendant's probation violation hearing." This language, and other language in the legislation, restricts judicial discretion and 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's 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 regarding the appropriate remedy for the alleged violation.

I ask the Senate Committee on Judiciary to carefully consider the potentially harmful impact of Senate Bill #2161 when contemplating this legislation.

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

Sincerely,



Chrisanne Wyrzykowski
General Counsel
Rhode Island Supreme Court