

# The Just Criminal Justice Group, LLC



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## TESTIMONY IN SUPPORT OF 2026—S 2290

- The legislation is meant to curtail the use of monetary conditions of bail in select misdemeanor cases by making better use of the tools provided by 2017's successful Justice Reinvestment Initiative (JRI). It does so by strengthening the presumption of release on personal recognizance already in *RIGL § 12-13-1.3. Pretrial release* and the *Bail Guidelines*, promulgated by the RI Supreme Court in 1986.
- The legislation would accomplish its worthy goals by amending *RIGL Sec. 12-13-1.3. Pretrial release*, by adding the following language:
  - (b) If the arrested person is charged with no offense other than a misdemeanor, the court may not impose financial conditions of release on the person unless the person is charged with a domestic violence offense under chapter 29 of title 12; the person requests such financial conditions; or the court makes a finding on the record that there is a likely risk that: (1) The arrested person will fail to appear in the court, as required; or (2) The arrested person will obstruct or attempt to obstruct justice, or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror. In making a finding described in this subsection, the court shall consider information it receives pursuant to § 12-13-24.1.<sup>1</sup>
- The presumption of release on personal recognizance in the legislation can also be found in other sections of the statute that the legislation would amend as well as the *Bail Guidelines*, court rules promulgated by the RI Supreme Court in 1986.
- The legislation also contains sensible 'carve outs' for domestic violence offenses.
- *RIGL § 12-13-24.1* which is referenced in the legislation is part of JRI. A plain reading of its provisions makes clear that its primary purpose is to require that the only the best and most reliable information be provided to the court prior to a defendant's initial appearance so that the judge might make an informed and intelligent decision regarding pretrial release.
- The legislation appears to be inspired by the realization that: 1) the unique hardships that monetary conditions of bail have been proven to visit upon the indigent and 2) reliance upon evidence based "best practices" for assessing and reducing risk while also taking into

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<sup>1</sup> § 12-13-24.1. *Pretrial services unit* provides in pertinent part that the unit's primary purpose is to provide pre-arraignment and post-arraignment services to defendants and that its pre-arraignment reports to the court may include the results of a risk screen, mental health and substance use needs, and an opinion if an in-depth assessment is needed post-arraignment.

consideration the likelihood of the defendant appearing in court if released not only makes perfect sense but is consistent with Rhode Island law, court rules, decisions of the Rhode Island Supreme Court, and current practices.

- Rhode Island last considered bail reform in a similar context in 2008 when it amended § 12-13-10. *Deposit of money in lieu of bail* by adding the following language:

Consistent with Article 1, § 9 of the Rhode Island Constitution, the giving of surety, or in the alternative the deposit with the court of ten percent (10%) of the amount of bail set, shall be the sole monetary conditions of the release on bail, except as set forth herein.

No court shall require the deposit of cash as the sole monetary condition of the release on bail, except in those cases where the defendant owes court-imposed restitution.

(emphasis added)

**QUESTIONS? COMMENTS? CONCERNS?**

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