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1997 Survey of Rhode Island Law: Legislation: Criminal Procedure: An Act Relating to the Deposit of Money in Lieu of Bail

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Criminal Procedure. *An Act Relating to the Deposit of Money in Lieu of Bail.* Provides that a person who is eligible for bail may give before the court his or her personal recognizance, and deposit ten percent of the amount of the bail into a registry of the court. Approved, July 8, 1997. 1997 R.I. Pub. Laws ch. 315.

This legislation (the Act) allows a person held in custody to give her personal recognizance, rather than surety, before the court in which she is held to appear, and to deposit ten percent of the amount of bail that she is ordered to furnish.¹ Upon depositing the money with the court, the defendant receives a certificate, which she must deliver to her custodial officer in order to be released.² Upon receipt of a judgment for the payment of a fine and costs, restitution or any other assessment, the clerk must use the deposited money to satisfy this judgment, and refund the defendant any surplus amount.³ In the event that the defendant defaults, the court has the discretion to forfeit the entire amount of bail and pay the money to the general treasurer.⁴ The court will order the return of the defendant's deposit if the money is deposited with the court, the defendant surrenders herself to the court in which she was recognized to appear, recognizes herself before the court with sufficient surety or is in any manner legally discharged.⁵

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1. R.I. Gen. Laws § 12-13-10 (Supp. 1997).

2. *See id.*

3. *See id.* (amending chapters 12-13, Bail and Recognizance, to include "restitution, or any other assessment part of the judgment to be satisfied)."

4. *See id.*

5. *See id.* The term "recognizance" is defined as "[a]n obligation entered into before a court or magistrate . . . whereby the recognizer acknowledges that he will do some act required by law . . . [a]n obligation undertaken by a person generally a defendant in a criminal case, to appear in court on a particular day or to keep the peace. It runs to the court and may not require a bond." Black's Law Dictionary 880 (Centennial ed. 1991).