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1999 Survey of Rhode Island Law: Legislation: Victims' Rights: An Act Relating to Correctional Institutions - Parole Hearings

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Victims' Rights. *An Act Relating to Correctional Institutions—Parole Hearings.* Provides that the parole board in its discretion may allow parents or legal guardians of crime victims who are minors at the time of the parole petition to address the parole board on the minor's behalf. The Act also provides crime victims the right to make a Victim Impact Statement to the Parole Board. Effective, July 8, 1999. 1999 R.I. Pub. Laws ch. 472.

This legislation (the Act) amends Chapter 13-8 of the Rhode Island General Laws, entitled "Parole" and Chapter 12-28 of the Rhode Island General Laws entitled "Victim's Rights." Sections 13-8-6 and 12-8-6 expand and clarify the scope of the rights of crime victims and their families to have input in decisions regarding parole of the perpetrators of the crime.¹

Prior to acting upon any petition for parole, or a continuance of such a petition, the parole board must notify the victim of the pendency of the proceedings, if his or her identity and residence is known.² A "victim" for this purpose is defined as a person who has suffered personal injury or loss of property directly attributable to the perpetrator's acts, or in homicide cases, the victim's next of kin.³ If the parole board is unable to locate the victim, the board is required to seek the assistance of the police department of the city or town in which the victim was last known to reside.⁴ The police are required to make "every effort" to locate the victim, and make a written report of their efforts within thirty days.⁵ The parole board may not act upon the parole petition until such report is received and reviewed.⁶ The victim may request the right to address the parole board regarding the impact of the crime upon the victim.⁷ The Act amends chapter 12-28-6 to provide that where the victim is a minor at the time of the hearing, the parole board in its discretion may permit the parent or legal guardian of the victim to address the board on the minor's behalf.⁸

1. See R.I. Gen. Laws § 12-28-6 (1956) (1994 Reenactment & Supp. 1999); R.I. Gen. Laws § 13-8-6 (1956) (1994 Reenactment & Supp. 1999).

2. See R.I. Gen. Law § 12-28-6(a).

3. See *id.* § 12-28-6(d).

4. See *id.* § 12-28-6(b).

5. See *id.*

6. See *id.* § 12-28-6(c).

7. See *id.* § 12-28-6(a).

8. *Id.*

The Act also amends the parole hearing procedure to provide that any person who "has suffered direct or threatened physical, emotional, or financial harm as the result of the commission of a crime or an immediate family member of a minor or homicide victim"⁹ may make a "Victim Impact Statement."¹⁰ A "Victim Impact Statement" is defined as "a statement providing information about the financial, emotional, and physical effects of a crime" committed by the prisoner seeking parole.¹¹ The statement may also discuss specific information about the victim, the circumstances surrounding the crime and the manner in which it was committed, and the impact of the crime upon the victim's family.¹² The parole board and its executive secretary must make reasonable efforts to notify crime victims, the next of kind of homicide victims, or the parent or legal guardian of a minor crime victim of their right to provide this victim impact statement not less than thirty days prior to the meeting.¹³

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9. R.I. Gen. Laws § 13-8-6(b)(i) (1956) (1994 Reenactment & Supp. 1999).

10. *See id.* § 13-8-6(b)(ii).

11. *Id.*

12. *See id.*

13. *See* R.I. Gen. Laws § 12-28-6(e) (1956) (1994 Reenactment & 1999 Supp.); R.I. Gen. Laws § 13-8-6(7) (1956) (1994 Reenactment & 1999 Supp.).

