

West's General Laws of Rhode Island Annotated
Title 11. Criminal Offenses
Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-1

§ 11-37.1-1. Short title

Currentness

This chapter shall be known and be cited as the “Sexual Offender Registration and Community Notification Act”.

Credits

P.L. 1996, ch. 104, § 1.

Gen. Laws, 1956, § 11-37.1-1, RI ST § 11-37.1-1

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West's General Laws of Rhode Island Annotated

Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-2

§ 11-37.1-2. Definitions

Currentness

(a) “Abscond” means to not register as required, or to relocate to some unknown place other than the registered place of residence, or to conceal himself or herself in an attempt to avoid registration or verification of registration.

(b) “Aggravated offense” means, and includes, offenses involving sexual penetration of victims of any age through the use of force, or the threat of use of force, or offenses involving sexual penetration of victims who are fourteen (14) years of age or under.

(c) “Board”, “board of review”, or “sex offender board of review” means the sex offender board of review appointed by the governor pursuant to § 11-37.1-6.

(d)(1) “Conviction” or “convicted” means, and includes, any instance where:

(i) A judgment of conviction has been entered against any person for any offense specified in subsection (f) or (v), or a federal offense, a foreign offense, or a military offense, regardless of whether an appeal is pending; or

(ii) There has been a finding of guilty for any offense specified in subsection (f) or (v), or a federal offense, a foreign offense, or a military offense, regardless of whether an appeal is pending; or

(iii) There has been a plea of guilty or nolo contendere for any offense specified in subsection (f) or (v), or a federal offense, a foreign offense, or a military offense, regardless of whether an appeal is pending; or

(iv) There has been an admission of sufficient facts or a finding of delinquency for any offense specified in subsection (f) or (v), or a federal offense, a foreign offense, or a military offense, regardless of whether or not an appeal is pending.

(2) Provided, in the event that a conviction, as defined in this subsection, has been overturned, reversed, or otherwise vacated, the person who was the subject of the conviction shall no longer be required to register as required by this chapter and any records of a registration shall be destroyed. Provided, further, that nothing in this section shall be construed to eliminate a registration requirement of a person who is again convicted of an offense for which registration is required by this chapter.

(e) [Deleted by P.L. 2003, ch. 162, § 1 and by P.L. 2003, ch. 170, § 1].

(f) “Criminal offense against a victim who is a minor” means, and includes, any of the following offenses or any offense in another jurisdiction that is substantially the equivalent of the following or for which the person is or would be required to register under 34 U.S.C. § 20911 as amended:

(1) Kidnapping or false imprisonment of a minor, in violation of §§ 11-26-1.4, 11-26-1 or 11-26-2, where the victim of the offense is sixteen (16) years of age or older and under the age of eighteen (18) years;

(2) Enticement of a child in violation of § 11-26-1.5 with the intent to violate §§ 11-37-6, 11-37-8, 11-37-8.1, 11-37-8.3;

(3) Any violation of §§ 11-37-6, 11-37-8, 11-37-8.1, or 11-37-8.3;

(4) Any violation of § 11-1-10, where the underlying offense is a violation of chapter 34 of this title and the victim, or person solicited to commit the offense, is under the age of eighteen (18) years;

(5) Any violation of § 11-9-1(b) or (c);

(6) Any violation of § 11-9-1.3;

(7) Any violation of § 11-9-1.5;

(8) [Deleted by P.L. 2018, ch. 157, § 1 and P.L. 2018, ch. 259, § 1];

(9) Any violation of § 11-37-8.8;

(10) Any violation of § 11-64-2, where the victim is under the age of eighteen (18) years;

(11) Murder in violation of § 11-23-1, where the murder was committed in the perpetration of, or attempted perpetration of, kidnapping and where the victim of the offense is under eighteen (18) years of age;

(12) Any violation of §§ 11-67-6, 11-67.1-3(b), 11-67.1-4(b), 11-67.1-5(c), 11-67.1-6(b), or 11-67.1-7(b); or

(13) Any conviction for an attempt or conspiracy to commit an offense enumerated in this subsection.

(g) “Designated state law enforcement agency” means the attorney general, or his or her designee.

(h) “Employed, carries on a vocation” means and includes the definition of “employed, carries on a vocation” under 34 U.S.C. § 20911.

(i) “Federal offense” means, and includes, any conviction for an offense that was obtained under federal law which, if committed within the jurisdiction of this state, would require the person to register, any conviction for an offense under 34 U.S.C. § 20911 as amended, or any conviction for an attempt or conspiracy to commit an offense requiring registration under this subsection.

(j) “Foreign offense” means, and includes, any conviction for an offense which, if committed within the jurisdiction of this state, would require the person to register that was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country when the United States state department in its country reports on human rights practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred, or any conviction for an attempt or conspiracy to commit an offense enumerated in this subsection.

(k) “Habitually lives or sleeps” means living in a place with some regularity, and with reference to where a person required to be registered under this chapter actually lives, which could be some place other than a mailing address or primary address but would entail a place where the person lives on an intermittent basis regardless of whether it pertains to a location otherwise identifiable by street or address.

(l) “Homeless” means a person required to be registered under this chapter who lacks a fixed, regular, and adequate nighttime residence; has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided.

(m) “Immediate” or “Immediately” means upon receipt of information provided by or regarding a person required to register under this chapter but not later than three (3) business days.

(n) “Institutions of higher education” means any university, two- or four-year (2 or 4) college or community college.

(o) “Jurisdiction” means any of the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and any Indian tribe that has elected to function as a registration and notification jurisdiction pursuant to 34 U.S.C. § 20929.

(p) “Mental abnormality” means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(q) “Military offense” means, and includes, any conviction for any military offense specified by the secretary of defense under § 115(a)(8)(C)(i) of Pub. L. 105-119, codified at 10 U.S.C. § 951 note, or any conviction for an attempt or conspiracy to commit an offense enumerated in this subsection.

(r) “Parole board” means the parole board or its designee.

(s) “Predator” means a person whose act(s) is (are) or was (were) directed at a stranger, or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.

(t) “Public or private educational institution” means early childhood facilities (nursery school, pre-kindergarten and kindergarten), elementary, middle, secondary, institutions of higher education, and postsecondary educational institutions authorized or licensed by the State of Rhode Island.

(u) “School” means the buildings and real property of kindergarten, elementary, middle, and secondary institutions, whether public or private.

(v) “Sexually violent offense” means, and includes, any violation of §§ 11-37-2, 11-37-4, 11-37-6, 11-37-8, 11-37-8.1, 11-37-8.3, 11-67-2 (where the victim was subject to commercial sexual activity), 11-67-3(a), 11-67-3(b) (where the victim was subject to commercial sexual activity), 11-67.1-3(c) (where the victim was subject to sexual servitude), 11-67.1-5(d), 11-67.1-6(c); or 11-5-1, where the specified felony is sexual assault; or § 11-23-1, where the murder was committed in the perpetration of, or attempted perpetration of, rape or any degree of sexual assault or child molestation; or any offense in another jurisdiction that is substantially the equivalent of any offense listed in this subsection or for which the person is or would be required to register under 34 U.S.C. § 20911 as amended, or any conviction for an attempt or conspiracy to commit an offense enumerated in this subsection.

(w) “Sexually violent predator” means a person who has been convicted of a sexually violent offense and who has a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

(x) “Student” means, and includes, the definition of “student” under 34 U.S.C. § 20911.

Credits

P.L. 1996, ch. 104, § 1; P.L. 1999, ch. 83, § 14; P.L. 1999, ch. 130, § 14; P.L. 1999, ch. 255, § 1; P.L. 2002, ch. 330, § 1; P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1; P.L. 2008, ch. 155, § 1, eff. July 1, 2008; P.L. 2008, ch. 202, § 1, eff. July 2, 2008; P.L. 2014, ch. 416, § 1, eff. July 3, 2014; P.L. 2014, ch. 448, § 1, eff. July 3, 2014; P.L. 2016, ch. 65, § 1, eff. June 13, 2016; P.L. 2016, ch. 68, § 1, eff. June 13, 2016; P.L. 2017, ch. 232, § 3, eff. July 18, 2017; P.L. 2017, ch. 260, § 3, eff. July 19, 2017; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019.

Gen. Laws, 1956, § 11-37.1-2, RI ST § 11-37.1-2

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West's General Laws of Rhode Island Annotated

Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-3

§ 11-37.1-3. Registration required--Persons covered

Currentness

(a) Any person who, in this or any other jurisdiction: (1) has been convicted of a criminal offense against a victim who is a minor, (2) has been convicted of a sexually violent offense, (3) has been determined to be a sexually violent predator, (4) has committed an aggravated offense as defined in § 11-37.1-2, (5) is a recidivist, as defined in § 11-37.1-4, (6) has been convicted of a federal offense, (7) has been convicted of a foreign offense, (8) has been convicted of a military offense, or (9) has been convicted of a violation of § 11-37.1-10 shall be required to register his or her current address with the local law enforcement agency having jurisdiction over the city or town in which the person having the duty to register resides for the time period specified in § 11-37.1-4.

(b) Any person who is: (1) a nonresident worker who has committed an offense that is subject to registration in the jurisdiction of his or her residence and who is employed or carrying on a vocation in Rhode Island as defined in § 11-37.1-2(h), or (2) a nonresident student as defined by § 11-37.1-2(x) who has committed an offense that is subject to registration in the jurisdiction of his or her residence and who is attending a public or private educational institution in Rhode Island, shall be required to register his or her current address and the address of his or her place of employment or a public or private educational institution attended with the local law enforcement agency having jurisdiction over the city or town in which the nonresident worker or student is employed or attending a public or private educational institution.

(c) Any person having a duty to register as a sex offender in subsection (a) of this section who is enrolled at, employed at, or carrying on a vocation at an institution of higher education shall have an additional duty to register the information described in subsection (a) of this section with the local law enforcement agency in the city or town where the primary campus of the institution of higher education at which the person is enrolled, employed, or carrying on a vocation is located for the period of time they are enrolled at, employed at or carrying on a vocation at the institution of higher education.

(d) If a person is registered as a sex offender in another jurisdiction for an offense which, if committed within the jurisdiction of this state, would require the person to register as a sex offender, then that person, upon moving to or returning to this state, shall register as a sex offender in the same manner as if the offense were committed within Rhode Island.

(e) **Registration information.** In addition to the requirements of subsections (a) through (d) of this section, the person required to register under this section shall provide the local law enforcement agency the following information:

(1) Relating to the person's name:

(i) The person's full primary given or legal name;

- (ii) Any and all names the person has used in the past, valid or otherwise; and
- (iii) Any and all nicknames, aliases, and pseudonyms regardless of the context in which they are used.

(2) Relating to the person's date of birth:

- (i) The person's actual date of birth; and
- (ii) Any other date of birth used by the person.

(3) Relating to the person's social security number:

- (i) A valid social security number for the person; and
- (ii) Any social security number the person has used in the past, valid or otherwise.

(4) A current digitized photograph of the person.

(5) An accurate description of the person as follows:

- (i) A general description of the person's physical appearance or characteristics; and
- (ii) Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

(6) A photocopy of all of the person's valid driver's licenses issued by any jurisdiction.

(7) A photocopy of all of the identification cards issued to the person.

(8) A photocopy of any passports issued to the person.

(9) Relating to the person's residence:

- (i) The address of each residence at which the person resides or will reside;
- (ii) Any location or description that identifies where the person habitually lives or sleeps regardless of whether it pertains to a permanent residence or location otherwise identifiable by a street or address; and

(iii) Whether the person is homeless.

(10) Any and all telephone numbers of the person.

(11) Relating to the person's internet-related activity:

(i) Any and all email addresses used by the person;

(ii) Any and all instant message addresses and identifiers;

(iii) Any and all other designations or monitors used for self-identification in internet communications or postings; and

(iv) Any and all designations used by the person for the purpose of routing or self-identification and internet communications or postings.

(12) Relating to all vehicles owned or operated by the person for work or personal use including land vehicles, aircraft, and watercraft:

(i) License plate numbers;

(ii) Registration numbers or identifiers;

(iii) General description of the vehicle to include color, make, model, and year; and

(iv) Any permanent or frequent location where any covered vehicle is kept.

(13) Relating to the person's employment, any and all places where the person is employed in any means including volunteer and unpaid positions:

(i) The name of the person's employer;

(ii) The address of the person's employer; and

(iii) Similar information related to any transient or day labor employment.

(14) All licensing information that authorizes the person to engage in an occupation or carry out a trade or business.

(15) Relating to the person's public or private educational institution:

- (i) The name of each public or private educational institution at which the person is or will be a student; and
- (ii) The address of each public or private educational institution where the person is or will be a student.

(16) Relating to the person's criminal history:

- (i) The date of all arrests;
- (ii) The date of all convictions;
- (iii) The person's status of parole, probation, or supervised release;
- (iv) The person's registration status; and
- (v) Any outstanding arrest warrants.

(17) The fingerprints and palm prints of the person in a digitized format that shall be submitted to the FBI Central Database, Next Generation Identification Program.

(18) If the person's DNA is not already contained in the Combined DNA Index System (CODIS), the person shall provide a sample of his or her DNA. Any DNA sample obtained from a person shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile into CODIS.

(19) The text of each provision of law defining the criminal offense(s) for which the person is registered.

(20) When the person will be absent from his/her residence for seven (7) days or more:

- (i) Identifying information of the temporary lodging locations including addresses and names; and
- (ii) The dates the person will be staying at each temporary lodging location.

(21) If the person will be traveling outside of the United States, the person must notify the local law enforcement agency at least twenty-one (21) days in advance of the travel date and provide any necessary information regarding his or her international travel in accordance with § 11-37.1-9(g).

(22) A signed copy of the person's notice of registration and notification obligations as provided in § 11-37.1-5(b)(6).

(23) The local law enforcement agency and the designated state law enforcement agency shall maintain all information obtained under this chapter in a digitized format.

Credits

P.L. 1996, ch. 104, § 1; P.L. 1999, ch. 255, § 1; P.L. 2002, ch. 330, § 1; P.L. 2005, ch. 410, § 7; P.L. 2006, ch. 370, § 1, eff. July 7, 2006; P.L. 2006, ch. 440, § 1, eff. July 7, 2006; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019.

Gen. Laws, 1956, § 11-37.1-3, RI ST § 11-37.1-3

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Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-4

§ 11-37.1-4. Duration of registration--Frequency of registration

Currentness

(a) **Annual registration.** Any person required to register under § 11-37.1-3(a)(1) or (2) shall annually register with the local law enforcement agency having jurisdiction over the city or town in which the person having the duty to register resides for a period of ten (10) years from the expiration of sentence for the offense and shall verify his or her address with the agency on a quarterly basis for the first two (2) years of the period unless the person has been determined to be a sexually violent predator in accordance with § 11-37.1-6 or unless the person is required to register for the life of that person in accordance with the provisions of subsection (c) of this section.

(b) **Sexually violent predators.** Any person who has been determined to be a sexually violent predator in accordance with the provisions of § 11-37.1-6 shall be required to annually register in person with the local law enforcement agency having jurisdiction over the city or town in which the person having the duty to register resides for the life of that person and to verify his or her address on a quarterly basis for the life of that person.

(c) **Recidivists and aggravated crime offenders.** Any person required to register under § 11-37.1-3 and who has one or more prior convictions for any offense described in § 11-37.1-2 or has been convicted of an aggravated offense as defined in § 11-37.1-2 shall annually register in person with the local law enforcement agency having jurisdiction over the city or town in which the person having the duty to register resides for the life of that person and to verify his or her address on a quarterly basis for the life of that person.

(d) **Nonresident workers and students.** Any nonresident person required to register pursuant to § 11-37.1-3(b)(1) or (2) shall annually register in person with the local law enforcement agency having jurisdiction over the city or town in which the person having the duty to register is employed or attends a public or private educational institution for the period of time that the person is employed in Rhode Island or is attending a public or private educational institution in Rhode Island.

(e) **Initial registration; Incarcerated individuals.** All persons required to register under this chapter who are sentenced to a period of confinement shall perform their initial registration by appearing in person at the local law enforcement agency in the city or town in which the person intends to reside within twenty-four (24) hours of their release from confinement.

(f) **Initial registration; Non-incarcerated individuals.** All persons required to register under this chapter who are convicted in Rhode Island and who are not sentenced to serve a term of incarceration or confinement shall perform their initial registration by appearing in person at the local law enforcement agency in the city or town in which the person intends to reside within twenty-four (24) hours of being sentenced.

(g) **Initial registration; Individuals relocating to Rhode Island.** All persons required to register under this chapter who are moving their residence to Rhode Island from another jurisdiction shall perform their initial registration by appearing in person at the local law enforcement agency in the city or town in which the person intends to reside within twenty-four (24) hours of their arrival in Rhode Island.

(h) **Initial registration; Nonresident workers and students.** All nonresident workers or students who are required to register under this chapter shall perform their initial registration by appearing in person at the local law enforcement agency in the city or town in which the person is employed or is attending a public or private educational institution within twenty-four (24) hours of their first day of their personal attendance at their place of employment or a public or private educational institution.

(i) **Tolling provision.** Where, during the period in which any person is required to register, a person required to register under this chapter is incarcerated or re-incarcerated for any offense or is civilly committed, the person's registration requirements shall be tolled during the subsequent incarceration, re-incarceration or commitment.

(j) **Juveniles.** Any juvenile having the duty to register under subsections (b) and (c) of this section shall be required to annually register in person with the local law enforcement agency having jurisdiction over the city or town in which the juvenile having the duty to register resides for fifteen (15) years subsequent to the date of release from confinement or placement in the community or probation for such offense or offenses and to verify his or her address on a quarterly basis for said fifteen (15) years. However, if a juvenile is adjudicated delinquent under § 11-37-8.1 or 11-37-8.3, the court shall assess the totality of the circumstances of the offense and if the court makes a finding that the conduct of the parties is criminal only because of the age of the victim, the court may have discretion to order the juvenile to register as a sex offender as long as the court deems it appropriate to protect the community and to rehabilitate the juvenile offender. Registration shall be subject to the provisions of this chapter.

(k) **Annual registration for federal, foreign, or military offenses.** Any person who is required to register under this chapter due to a conviction of a federal offense, a foreign offense, or a military offense shall register for the duration and frequency in the same manner as if the offense were committed within Rhode Island.

(l) **Homeless persons.** In addition to the other requirements of this section, a person who is required to register under this chapter and is homeless shall verify their presence in the community with the local law enforcement agency where they are required to register three (3) times a week for the duration of their being homeless.

Credits

P.L. 1996, ch. 104, § 1; P.L. 1997, ch. 156, § 1; P.L. 1999, ch. 255, § 1; P.L. 2000, ch. 358, § 1; P.L. 2000, ch. 462, § 1; P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019.

Gen. Laws, 1956, § 11-37.1-4, RI ST § 11-37.1-4

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Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-5

§ 11-37.1-5. Registration requirement upon release, parole, or probation

Currentness

(a)(1) **Duty of state officials.** If a person who is required to register under this chapter is released from prison, including those placed on parole, then the official in charge of the place of confinement or his or her designee shall comply with the provisions of subsection (b) of this section;

(2) [Deleted by P.L. 2018, ch. 157, § 1 and P.L. 2018, ch. 259, § 1];

(3) If a person who is required to register under this chapter is released on probation or placed on home confinement, then the assistant administrator or the division of probation shall comply with the provisions of subsection (b) of this section;

(4) If a person who is required to register under this chapter is released from a juvenile correctional facility, either outright or on some form of supervised release, then the person in charge of the institution shall comply with the provisions of subsection (b) of this section;

(5) If a person who is required to register under this chapter is placed on juvenile probation, then the person in charge of the program shall comply with the provisions of subsection (b) of this section; or

(6) If a person who is required to register under this chapter has moved into this state under the provisions of an interstate compact providing for supervision of the terms of his or her release by agents of this state, then the administrator of the interstate compact shall comply with the provisions of subsection (b) of this section.

(b) **Notification of registration requirements.** The person designated with the responsibility for the notification requirements of this chapter shall, prior to the release of any person required to register under this chapter:

(1) Inform the person of the duty to register and obtain the information required for registration under subsection (c) of this section;

(2) Inform the person that if the person changes his or her residence address, the person shall give the new address to the designated state law enforcement agency in writing within twenty-four (24) hours;

(3) Inform the person that if the person changes residence to another jurisdiction, the person shall register the new address with the law enforcement agency with whom the person last registered, and the person is also required to register with a designated law enforcement agency in the new jurisdiction in accordance with the new jurisdiction's sex offender registration statute;

(4) Inform the person that if the person works or attends a public or private educational institution in another jurisdiction in which he or she does not reside, the person shall register his or her employment address or address of the educational institution he or she attends as required by the other jurisdiction;

(5) Obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(6) Require the person to read and sign a form approved by the attorney general stating that the duty of the person to register under this section has been explained.

(c) **Registration information.** In addition to the requirements of subsection (b) of this section, for a person required to register under § 11-37.1-3, then the person responsible for the notification required under subsection (b) of this section shall obtain the following information in a digitized format:

(1) Relating to the person's name:

(i) The person's full primary given or legal name;

(ii) Any and all names the person has used in the past, valid or otherwise; and

(iii) Any and all nicknames, aliases, and pseudonyms regardless of the context in which they are used.

(2) Relating to the person's date of birth:

(i) The person's actual date of birth; and

(ii) Any other date of birth used by the person.

(3) Relating to the person's social security number:

(i) A valid social security number for the person; and

(ii) Any social security number the person has used in the past, valid or otherwise.

(4) A current digitized photograph of the person.

(5) An accurate description of the person as follows:

(i) A general description of the person's physical appearance or characteristics; and

(ii) Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

(6) Relating to the person's residence:

(i) The address of each residence at which the person resides or will reside; and

(ii) Whether the person is homeless.

(7) Any and all telephone numbers of the person.

(8) A signed copy of the person's notice of registration and notification obligations as provided in subsection (b)(6).

(d) For purposes of subsection (c) of this section, the provisions of chapter 37.3 of title 5 pertaining to healthcare privileges, the provisions of § 9-17-24 pertaining to the privilege of witnesses, or the provisions of § 42-72-8 pertaining to confidentiality of records of the department of children, youth and families, shall not be effective so as to prevent the transfer of information or the testimony of any person possessing any information required by this subsection. Any information so obtained may be transferred to the sex offender board of review and may be used by them in making a determination of whether or not the person is a sexually violent predator or in determining the level of notification under § 11-37.1-12. The information may also be used by the sentencing court or by any court reviewing the level of notification determined by the sex offender board of review or reviewing any conviction or sentence which requires registration under this chapter. Provided, information so obtained shall not be admissible in any other judicial proceeding against the subject of the information except to determine a person's status as a sexually violent predator or to determine or review the level of notification to the community which has been made by a court or the sex offender board of review. Provided, further, that this subsection shall not be applicable to any person for whom an appeal is pending for which a final judgment of conviction has not been entered, until the time that a final conviction has been entered.

Credits

P.L. 1996, ch. 104, § 1; P.L. 1997, ch. 326, § 35; P.L. 1999, ch. 255, § 1; P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019.

Gen. Laws, 1956, § 11-37.1-5, RI ST § 11-37.1-5

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West's General Laws of Rhode Island Annotated

Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-6

§ 11-37.1-6. Community notification

Currentness

(1)(a) Sex Offender Board of Review. The governor shall appoint eight (8) persons including experts in the field of the behavior and treatment of sexual offenders by reason of training and experience, victim's rights advocates, and law enforcement representatives to the sex offender board of review. At least one member of the sex offender board of review shall be a qualified child/adolescent sex offender treatment specialist. These persons shall serve at the pleasure of the governor or until their successor has been duly qualified and appointed.

(b) Duties of the board. Upon passage of this legislation, the sex offender board of review will utilize a validated risk assessment instrument where available and other material approved by the parole board to determine the level of risk an offender poses to the community and to assist the sentencing court in determining if that person is a sexually violent predator. If the offender is a juvenile, the Department of Children, Youth and Families shall select and administer a risk instrument appropriate for juveniles and shall submit the results to the sex offender board of review. In cases where an accepted validated risk assessment instrument does not exist, the sex offender board of review shall use a structured professional judgment (SPJ) approach, in which the board shall evaluate the presence or absence of commonly employed risk variables (both static and dynamic), together with all other information available to the board, to make a determination concerning the level of risk.

(c) Duties of other state agencies. Six (6) months prior to release of any person having a duty to register under § 11-37.1-3, or upon sentencing of a person having a duty to register under § 11-37.1-3, if the offender is not incarcerated, the agency having supervisory responsibility and the Interstate Compact Unit of the Rhode Island department of corrections upon acceptance of supervision of a sexual offender from the sending jurisdiction shall refer the person to the sex offender board of review, together with any reports and documentation that may be helpful to the board, for a determination as to the level of risk an offender poses to the community and to assist the sentencing court in determining if that person is a sexually violent predator.

(2)(i) The board shall within thirty (30) days of a referral of a person shall conduct the validated risk assessment, review other material provided by the agency having supervisory responsibility and assign a risk of re-offense level to the offender. In addition, the board may find that, based on the assessment score and other material, that the person may possess a mental abnormality or personality disorder that makes the person likely to engage in sexually violent predatory offenses. In these cases, the committee shall ask the parole board psychiatrist or if the offender is a juvenile, a DCYF psychiatrist to conduct a sex offender evaluation to determine if the offender possesses a mental abnormality or personality disorder that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(ii) Upon receipt of a sex offender evaluation that suggests there is sufficient evidence and documentation to suggest that a person may be a sexually violent predator, the sex offender board of review shall forward a report to the attorney general for consideration by the court.

(iii) Upon receipt of a report from the attorney general, the court, after notice to the offender and his or her counsel, shall upon consideration of the report and other materials, make a determination as to whether or not a person is a sexually violent predator.

(iv) Effect of determination. In the event that a determination is made by the court that a person is a sexually violent predator, that person shall be required to register and verify his or her address in accordance with §§ 11-37.1-3, 11-37.1-4 and 11-37.1-8(b).

(3) No cause of action or liability shall arise or exist against the committee or any member or agent of the board as a result of the failure of the board to make any findings required by this section within the time period specified by subsection (2) of this section.

(4) Notwithstanding any other provision of law, the board shall have access to all relevant records and information in the possession of any state official or agency having a duty under § 11-37.1-5(a)(1) through (6), relating to the juvenile and adult offenders under review by the board, including, but not limited to, police reports; prosecutor's statements of probable cause, presentence investigations and reports, complete judgments and sentences, current classification referrals, juvenile and adult criminal history records, violation and disciplinary reports, all psychological evaluations and psychiatric evaluations, psychiatric hospital records, sex offender evaluations and treatment reports, substance abuse evaluations and treatment reports to the extent allowed by federal law. Records and information obtained by the board of review under this subsection shall remain confidential, provided that the board of review may disclose the records and information to the sentencing court in accordance with the provisions of this chapter.

(5) Duties of the director of the department of corrections/director of the department of children, youth and families. Not less than sixty (60) days prior to release of any person subject to this chapter, the director of the department of corrections or, in the event the person is a juvenile, the director of the department of children, youth and families, or their respective designees, shall seek verification that the duties of the sex offender board of review and any other state agency have been fulfilled as specified in § 11-37.1-6 et seq. In the event that the director of the department of corrections or, in the event the person is a juvenile, the director of the department of children, youth and families, cannot obtain verification, he or she shall, no less than thirty (30) days prior to the release of a person subject to this chapter, file with the presiding judge of the superior court or, in the case of a juvenile, the chief judge of the family court, a petition in the nature of mandamus, seeking compliance with this chapter. The court shall promptly, but no less than ten (10) days from the filing of the petition, hold a hearing on the petition. The court may, in its discretion, enter any orders consistent with this chapter to compel compliance, however, the court may not delay the release of any person subject to this chapter for the failure of the sex offender board of review or any state agency to fulfill its obligations under this chapter.

Credits

P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1; P.L. 2006, ch. 206, § 4, eff. June 28, 2006; P.L. 2006, ch. 207, § 4, eff. June 28, 2006; P.L. 2008, ch. 191, § 1, eff. July 2, 2008; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019; P.L. 2024, ch. 45, § 1, eff. June 4, 2024; P.L. 2024, ch. 56, § 1, eff. June 4, 2024.

Gen. Laws, 1956, § 11-37.1-6, RI ST § 11-37.1-6

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West's General Laws of Rhode Island Annotated

Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-7

§ 11-37.1-7. Transfer of information to designated state law enforcement agency

Currentness

(a) The person required to provide notice in accordance with § 11-37.1-5(b) and the local law enforcement agencies required to register persons who have a duty to register in accordance with § 11-37.1-4 and receive changes in the person's registration information under § 11-37.1-9, shall immediately forward it to the designated state law enforcement agency. The designated state law enforcement agency shall immediately enter the information into the appropriate state law enforcement record system.

(b) Whenever a person required to be registered under this chapter initially registers or updates his or her information, the designated state law enforcement agency shall immediately notify:

(1) Any jurisdiction where the person is registered or is required to register due to the person's residency, public or private educational institution attendance, or employment;

(2) All jurisdictions where a person was required to register prior to the updated information being given;

(3) All jurisdictions where a person intends to reside, work, or attend a public or private educational institution;

(4) The Federal Bureau of Investigation or other federal agencies as designated by the Attorney General of the United States in order that the information may be updated on the National Sex Offender Registry or other relevant databases;

(5) If the person intends to commence residency, attend a public or private educational institution, or commence employment outside of the United States, the United States Marshals Service;

(6) Any agency, department, or program within the state that is responsible for criminal investigation, prosecution, child welfare, or sex offender supervision functions; and

(7) National Child Protection Act agencies, which includes any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993, 42 U.S.C. § 5119a.

(c) The designated state law enforcement agency shall ensure there is an automated community notification process in place that ensures the following:

- (1) Upon a person's initial registration or update of information, the state's public sex offender registry website is immediately updated; and
 - (2) The state's public sex offender registry has a function that enables the general public to request an email notice that will notify them when a person commences residence, employment, or a public or private educational institution attendance with the state, within a specified zip code, or within a certain geographic radius. This email notice shall include the person's identity so that the public can access the public registry for the new information.
- (d) The notification requirements of subsections (b)(7) and (c) do not apply to persons who were adjudicated delinquent of an offense requiring registration or a person tiered as a level 1 sex offender.
- (e) Notwithstanding the aforementioned notification requirements, the designated state law enforcement agency and local law enforcement agencies where the person resides, is employed, or attends a public or private educational institution, may utilize other forms of community notification consistent with the provisions and intent of this chapter.
- (f) In the event a person required to register under this chapter fails to register or fails to verify or update his or her registration information, the local law enforcement agency shall immediately inform the local law enforcement agency of the city or town where the person resides, is employed, or attends a public or private educational institution; the jurisdiction that provided notification that the person was to commence residency, employment, or public or private educational institution attendance; and the designated state law enforcement agency that the person failed to appear for registration or failed to verify or update their registration information.
- (1) Upon notification by the designated state law enforcement agency, the local law enforcement agency where the person resides, is employed, or attends a public or private educational institution, shall:
 - (i) Make an effort to determine if the person is actually residing, employed or attending a public or private educational institution within their city or town; and
 - (ii) Seek a warrant for the person's arrest for failing to register or verify or update his or her registration in compliance with this chapter. The U.S. Marshals Service or Federal Bureau of Investigation may be contacted in an attempt to obtain a federal warrant for the person's arrest.
 - (iii) The designated state law enforcement agency shall update the registry to reflect that the person is not in compliance with his or her duty to register.
- (g) If the designated state law enforcement agency receives information that a person has absconded or local law enforcement cannot determine whether the person is actually residing, employed, or attending a public or private educational institution in the city or town using the measures outlined in subsection (f) of this section, the designated state law enforcement agency, with the assistance of local law enforcement, shall make an effort to determine if the person has actually absconded.

- (1) If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, they shall be informed that the person has failed to appear and register.
- (2) If an absconded person cannot be located then the designated state law enforcement agency shall take the following steps:
- (i) Update the registry to reflect the person has absconded or is otherwise not capable of being located;
 - (ii) Notify the local law enforcement agency where the person resides, is employed, or attends a public or private educational institution, so the local law enforcement agency can seek a warrant for the person's arrest.
 - (iii) Notify the U.S. Marshals Service or Federal Bureau of Investigation so they may attempt, if necessary, to obtain a federal warrant for the person's arrest;
 - (iv) Update the National Sex Offender Registry to reflect the sex offender's status as an absconder, or is otherwise not capable of being located; and
 - (v) Enter the person into the National Crime Information Center Wanted Person file.

Credits

P.L. 1996, ch. 104, § 1; P.L. 1999, ch. 255, § 1; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019.

Gen. Laws, 1956, § 11-37.1-7, RI ST § 11-37.1-7

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West's General Laws of Rhode Island Annotated

Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-8

§ 11-37.1-8. Verification of address

Currentness

(a) For a person required to register under § 11-37.1-3(a)(1), (a)(2), (a)(6), (a)(7), (a)(8), or (a)(9) on each anniversary of the person's initial registration date during the period in which the person is required to register:

(1) The designated state law enforcement agency or local law enforcement agency shall mail a non-forwardable verification form to the last reported address of the person;

(2) The person shall mail the verification form to the designated state law enforcement agency or local law enforcement agency within ten (10) days after receipt of the form;

(3) The verification form shall be signed by the person, and state that the person still resides at the address last reported to the local law enforcement agency having jurisdiction over the city or town in which the person having the duty to register resides; and

(4) If the person fails to mail the verification form to the designated state law enforcement agency or local law enforcement agency within ten (10) days after receipt of the form, the person shall be in violation of this chapter unless the person proves that the person has not changed the residence address from that which he or she last registered.

(b) The provisions of subsections (a)(1) -- (a)(4) of this section shall apply to a person required to register under § 11-37.1-3(a) (3), (4), or (5), except that the registration address verification shall take place quarterly.

Credits

P.L. 1996, ch. 104, § 1; P.L. 1999, ch. 255, § 1; P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019.

Gen. Laws, 1956, § 11-37.1-8, RI ST § 11-37.1-8

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West's General Laws of Rhode Island Annotated

Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-9

§ 11-37.1-9. Notification of local law enforcement agencies of changes in address

Currentness

(a) **Duty of local law enforcement agency; interstate and intrastate moves.** For any person required to register under this chapter, the local law enforcement agency having jurisdiction where the person is residing, shall, if the person changes residence to another jurisdiction or within the state, notify the law enforcement agency with which the person must register in the new jurisdiction, or the city or town within the state, and notify the designated jurisdiction law enforcement agency. The designated state law enforcement agency shall provide immediate notice as provided under § 11-37.1-7.

(b) **Duty of person required to register; interstate moves.** A person who has been convicted of an offense that required registration under this chapter shall register the new address with a designated state law enforcement agency in another jurisdiction to which the person moves in accordance with the new jurisdiction's sex offender registration statute. Prior to the change of residence to a new jurisdiction, the person shall notify the local law enforcement agency within this state with which the person is registered of the intended move and of the new address within the new jurisdiction. The local law enforcement agency shall notify the designated state law enforcement agency and the designated state law enforcement agency shall provide immediate notice as provided under § 11-37.1-7.

(c) **Duty of law enforcement agency; changes of residence within the state.** For any person required to register under this chapter, the local law enforcement agency having jurisdiction where the person is residing, shall, if the person changes residence to another city or town in Rhode Island, notify the local law enforcement agency with which the person must register in the new city or town and notify the designated state law enforcement agency. The designated state law enforcement agency shall provide immediate notice as provided under § 11-37.1-7.

(d) **Duty of person required to register; changes of residence within the state.** A person who has been convicted of an offense that requires registration under this chapter and who changes his or her residence address to another city or town in Rhode Island, shall notify the local law enforcement agency in the city or town from which the person is moving before the person establishes residence in the new location, and shall register with the local law enforcement agency in the city or town in which the person is moving not later than twenty-four (24) hours after the person establishes residence in the new city or town. A person who has been convicted of an offense that requires registration under this chapter and who changes his or her residence within a city or town in Rhode Island shall notify the local law enforcement agency in the city or town not later than twenty-four (24) hours after the person changes the residence within the city or town. The local law enforcement agency shall notify the designated state law enforcement agency and the designated state law enforcement agency shall provide immediate notice as provided under § 11-37.1-7.

(e) **Duty of person required to register; changes in required registration information.** A person who has been convicted of an offense that requires registration under this chapter shall immediately notify the local law enforcement agency having jurisdiction where the person is residing, is employed, or attending a public or private educational institution of any changes to

his or her required registration information as provided in § 11-37.1-3(e). The local law enforcement agency having jurisdiction shall also notify the designated state law enforcement agency. The designated state law enforcement agency shall provide immediate notice as provided under § 11-37.1-7.

(f) In the event of a change in temporary lodging, the person who have been convicted of an offense that requires registration under this chapter and the local law enforcement agency shall immediately notify the jurisdiction in which the person will be temporarily staying. The local law enforcement agency having jurisdiction shall also notify the designated state law enforcement agency who shall provide immediate notice as provided under § 11-37.1-7.

(g) In the event the person who has been convicted of an offense that requires registration under this chapter will be traveling outside of the United States, the person must notify the local law enforcement agency at least twenty-one (21) days in advance of the travel date and provide any necessary information regarding his or her international travel. The local law enforcement agency having jurisdiction shall also notify the designated state law enforcement agency. The designated state law enforcement agency shall provide immediate notice as provided under § 11-37.1-7. Upon notification of a person's intention to travel internationally, the designated state law enforcement agency shall immediately notify and provide the person's travel information to the United States Marshals Service.

Credits

P.L. 1996, ch. 104, § 1; P.L. 1999, ch. 255, § 1; P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1; P.L. 2008, ch. 155, § 1, eff. July 1, 2008; P.L. 2008, ch. 191, § 1, eff. July 2, 2008; P.L. 2008, ch. 202, § 1, eff. July 2, 2008; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019.

Gen. Laws, 1956, § 11-37.1-9, RI ST § 11-37.1-9

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Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-10

§ 11-37.1-10. Penalties

Currentness

(a) Any person who is required to register or verify his or her address or give notice of a change of address or residence who knowingly fails to do so shall be guilty of a felony and, upon conviction, be imprisoned not more than ten (10) years, or fined not more than ten thousand dollars (\$10,000), or both.

(b) Any person who is required to register or verify his or her address or give notice of a change of address or residence who knowingly fails to do so shall be in violation of the terms of his or her release, regardless of whether or not the term was a special condition of his or her release on probation, parole, home confinement or other form of supervised release.

(c) Except in the case of a level-three (3) sex offender, any person who is required to register or verify his or her address, who knowingly resides within three hundred feet (300') of any school as defined in § 11-37.1-2, which distance shall be measured from the nearest boundary line of the real property supporting the residence of the person to the nearest boundary line of the real property that supports or upon which there exists a school shall be guilty of a felony and, upon conviction, may be imprisoned not more than five (5) years, or fined not more than five thousand dollars (\$5,000), or both.

(d) Any level-three (3) sex offender who knowingly resides within one thousand feet (1,000') of any school as defined in § 11-37.1-2, which distance shall be measured from the nearest boundary line of the real property supporting the residence of the person to the nearest boundary line of the real property that supports or upon which there exists a school shall be guilty of a felony and, upon conviction, may be imprisoned for not more than five (5) years, or fined not more than five thousand dollars (\$5,000), or both.

Credits

P.L. 1996, ch. 104, § 1; P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1; P.L. 2008, ch. 155, § 1, eff. July 1, 2008; P.L. 2008, ch. 189, § 1, eff. July 2, 2008; P.L. 2008, ch. 202, § 1, eff. July 2, 2008; P.L. 2015, ch. 219, § 1, eff. July 10, 2015; P.L. 2015, ch. 240, § 1, eff. July 10, 2015; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019.

Gen. Laws, 1956, § 11-37.1-10, RI ST § 11-37.1-10

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Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-11

§ 11-37.1-11. Release of information

Currentness

(a) Except as otherwise provided by this chapter or as provided in subsection (b) or (c) of this section, no information obtained under this chapter shall be released or transferred without the written consent of the person or his or her authorized representative.

(b) No consent for release or transfer of information obtained under this chapter shall be required in the following instances:

(1) Information may be disclosed to law enforcement agencies for law enforcement purposes;

(2) Information may be disclosed to government agencies conducting confidential background checks;

(3) The designated state law enforcement agency and any local law enforcement agency authorized by the state agency may release relevant information that is necessary to protect individuals concerning a specific person required to register under this chapter, except that the identity of a victim of an offense that requires registration under this section shall not be released;

(4) Information may be released or disseminated in accordance with the provisions of § 11-37.1-12;

(5) Information shall be disclosed by the local police department to the general public in a city or town for those registered offenders determined to be either a level 2 or level 3 offender as determined consistent with parole board guidelines; and

(6) Information shall be disclosed by the local police department to the local school department for those registered offenders determined to be level 3 offenders by the parole board for the purposes of notifying parents of students whose school bus stop is within one thousand feet (1,000') of a level 3 sex offender's residence, which distance shall be measured from the nearest boundary line of the real property supporting the residence of the level 3 sex offender to the school bus stop.

(c) Any local law enforcement agency shall release relevant information collected pursuant to § 11-37.1-3(c) to any campus police agency appointed pursuant to § 16-52-2 or police for private institutions appointed pursuant to § 12-2.1-1 for any person having a duty to register who is enrolled in, employed by, or carrying on a vocation at an institution of higher education. That agency may release relevant information that is necessary to protect individuals concerning a specific person required to register under this chapter, except that the identity of a victim of an offense that requires registration under this section shall not be released.

Credits

P.L. 1996, ch. 104, § 1; P.L. 2002, ch. 330, § 1; P.L. 2005, ch. 80, § 1; P.L. 2017, ch. 339, § 1, eff. Sept. 28, 2017; P.L. 2017, ch. 348, § 1, eff. Sept. 28, 2017; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019.

Gen. Laws, 1956, § 11-37.1-11, RI ST § 11-37.1-11

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Title 11. Criminal Offenses

Chapter 37.1. Sexual Offender Registration and Community Notification

Gen.Laws 1956, § 11-37.1-12

§ 11-37.1-12. Rules and regulations for community notification

Currentness

(a) The parole board shall promulgate guidelines and procedures for notification required pursuant to the provisions of this section.

(b) The regulations shall provide for three (3) levels of notification depending upon the risk of re-offense level of the sex offender determined by the sex offender board of review as outlined in § 11-37.1-6(1)(b):

(1) If risk of re-offense is low, law enforcement agencies and any individuals identified in accordance with the parole board guidelines shall be notified;

(2) If risk of re-offense is moderate, organizations in the community likely to encounter the person registered shall be notified in accordance with the parole board's guidelines, in addition to the notice required by subsection (b)(1);

(3) If risk of re-offense is high, the members of the public likely to encounter the person registered shall be notified through means in accordance with the parole board's guidelines designed to reach members of the public likely to encounter the person registered, in addition to the notice required by subsections (b)(1) and (b)(2).

(4) The designated state law enforcement agency is authorized and directed to utilize the Rhode Island state police website and the Rhode Island unified court system website for the public release of identifying information of level two and level three sex offenders who have been convicted, provided that no identifying information of a juvenile shall be listed on the website.

(i) The website shall have the capability of conducting searches by name, county, city, and town; and zip code and/or geographic radius.

(ii) The website shall include:

(A) Links to sex offender safety and education resources;

(B) Instructions on how a person can seek correction of information that the individual contends is erroneous;

(C) A warning that the information contained on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported addresses and that any such action could result in civil or criminal penalties; and

(D) All field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public website and shall participate in that website as provided by the attorney general of the United States.

(iii) The following information regarding the person required to register under this chapter shall be made available to the public on the website:

(A) Notice that the person is in violation of his or her registration requirements or cannot be located if the person has absconded;

(B) All offenses that require registration under this chapter for which the person has been convicted;

(C) The offense(s) for which the person is currently registered;

(D) The name of the person, including all aliases;

(E) A current photograph of the person;

(F) A physical description of the person; and

(G) The person's residential addresses and, if relevant, a description of a location where the person habitually lives or sleeps, and if the person is homeless;

(H) The following information shall not be available to the public on the sex offender registry website:

(I) Any arrest that did not result in conviction;

(II) The person's social security number;

(III) Any travel documents;

(IV) The identity of the victim;

(V) Internet identifiers (as defined in 42 U.S.C. § 16911); and

(VI) Any information of a person who was adjudicated delinquent of an offense requiring registration.

(iv) For persons who are under a witness protection program, the designated state law enforcement agency may honor the request of the United States Marshals Service or other agency responsible for witness protection by not including the original identity of the person on the publicly accessible sex offender registry website.

(5) Notwithstanding any other provision of law, the sex offender review board shall have access to all relevant records and information in the possession of any state official or agency having a duty under § 11-37.1-5(a)(1) through (6) relating to juvenile and adult offenders under review by the sex offender review board, including, but not limited to: police reports; prosecutors statements of probable cause; pre-sentence investigations and reports; complete judgments and sentences; current classification referrals; juvenile and adult criminal history records; violation and disciplinary reports; all psychological evaluations and psychiatric evaluations; psychiatric hospital records; sex offender evaluations and treatment reports; and substance abuse evaluations and treatment reports to the extent allowed by federal law. Records and information obtained by the sex offender review board under this subsection shall remain confidential, provided that the parole board may disclose the records and information to the board of review, the sentencing court, and law enforcement agencies in accordance with the provisions of this chapter.

Credits

P.L. 1996, ch. 104, § 1; P.L. 1999, ch. 255, § 1; P.L. 2000, ch. 360, § 1; P.L. 2001, ch. 180, § 8; P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1; P.L. 2005, ch. 80, § 1; P.L. 2008, ch. 155, § 1, eff. July 1, 2008; P.L. 2008, ch. 202, § 1, eff. July 2, 2008; P.L. 2018, ch. 157, § 1, eff. July 1, 2020; P.L. 2018, ch. 259, § 1, eff. July 1, 2020; P.L. 2019, ch. 28, §§ 1, 2, eff. June 21, 2019; P.L. 2019, ch. 31, §§ 1, 2, eff. June 21, 2019.

Gen. Laws, 1956, § 11-37.1-12, RI ST § 11-37.1-12

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Gen.Laws 1956, § 11-37.1-13

§ 11-37.1-13. Notification procedures for tiers two (2) and three (3)

Currentness

If after review of the evidence pertaining to a person required to register according to the criteria set forth in § 11-37.1-12, the board is satisfied that risk of re-offense by the person required to register is either moderate or high, the sex offender community notification unit of the parole board shall notify the person, in writing, by letter or other documentation:

(1) That community notification will be made not less than ten (10) business days from the date of the letter or other document evidencing an intent to promulgate a community notice in accordance with § 11-37.1-12(b), together with the level, form and nature that the notification will take;

(2) That unless an application for review of the action is filed within the time specified by the letter or other documentation, which in any case shall not be less than ten (10) business days, by the adult offender subject to community notification, with the criminal calendar judge of the superior court for the county in which the adult offender who is the subject of notification resides or intends to reside upon release, or by the juvenile offender subject to community notification over whom the family court exercises jurisdiction, with the clerk of the family court for the county in which the juvenile offender resides or intends to reside upon release, whose name shall be specified in the letter or other document, requesting a review of the determination to promulgate a community notification, that notification will take place;

(3) That the person has a right to be represented by counsel of their own choosing or by an attorney appointed by the court, if the court determines that he or she cannot afford counsel; and

(4) That the filing of an application for review may be accomplished, in the absence of counsel, by delivering a letter objecting to the notification and/or its level, form or nature, together with a copy of the letter or other documentation describing the proposed community notification, addressed to the judge described in the communication to the clerk of the superior court in the county in which the adult offender resides or intends to reside upon release, or in the case of juvenile offenders over whom the family court exercises jurisdiction, addressed to the judge described in the communication to the clerk of the family court in the county in which the juvenile offender resides or intends to reside upon release.

Credits

P.L. 1996, ch. 104, § 1; P.L. 1999, ch. 40, § 1; P.L. 1999, ch. 227, § 1; P.L. 1999, ch. 255, § 1; P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1; P.L. 2005, ch. 410, § 7; P.L. 2010, ch. 103, § 1, eff. June 22, 2010; P.L. 2010, ch. 109, § 1, eff. June 22, 2010.

Gen. Laws, 1956, § 11-37.1-13, RI ST § 11-37.1-13

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Gen.Laws 1956, § 11-37.1-14

§ 11-37.1-14. Preliminary proceedings on objection to community notification--Procedures

Currentness

Upon receipt of a request from a person subject to community notification under § 11-37.1-12(b), the superior court, or the family court of the county in which the person resides or intends to reside upon release, shall:

(1) Set a date for hearing and decision on the matter;

(2) Provide notice of the date for the hearing to both the applicant or his or her counsel and to the attorney general;

(3) Appoint counsel for the applicant if he or she cannot afford one; and

(4) Direct that the attorney general promptly provide copies of all papers, documents and other materials which formed the basis for the determination of the level and manner of community notification be provided to the court and the applicant or his or her counsel.

Credits

P.L. 1996, ch. 104, § 1; P.L. 1999, ch. 40, § 1; P.L. 1999, ch. 227, § 1; P.L. 1999, ch. 255, § 1; P.L. 2005, ch. 410, § 7.

Gen. Laws, 1956, § 11-37.1-14, RI ST § 11-37.1-14

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Gen.Laws 1956, § 11-37.1-15

§ 11-37.1-15. Application hearing procedures

Currentness

(a) On the date set for the hearing on the review of the application the court shall:

(1) In camera, review the materials provided in accordance with § 11-37.1-14(4);

(2) Determine whether and to what extent the production of witnesses and cross examination shall be required or permitted depending on the complexities of the matter involved, the extent of doubt concerning the correctness of the level, nature and extent of the notification proposed; and

(3) Presume the need for a prompt determination.

(b) In any application hearing proceeding the rules of evidence shall not apply and the court may rely on documentary presentations, including expert opinion on all issues.

(c) Nothing in this section should be construed to allow the applicant to relitigate the adjudication of guilt.

Credits

P.L. 1996, ch. 104, § 1; P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1.

Gen. Laws, 1956, § 11-37.1-15, RI ST § 11-37.1-15

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Gen.Laws 1956, § 11-37.1-16

§ 11-37.1-16. Application review--Burden of production and persuasion

Currentness

(a) In any proceeding under this chapter, the state shall have the burden of going forward, which burden shall be satisfied by the presentation of a prima facie case that justifies the proposed level of and manner of notification.

(b) For purposes of this section, “prima facie case” means:

(1) The sex offender board of review has engaged in a review and assessment of risk using materials approved by the parole board as provided by 11-37.1-6;

(2) Reasonable means have been used to collect the information used in the review and assessment.

(c) Upon presentation of a prima facie case, the court shall affirm the determination of the level and nature of the community notification, unless it is persuaded by a preponderance of the evidence that the determination on either the level of notification or the manner in which it is proposed to be accomplished is not in compliance with this chapter or the guidelines adopted pursuant to this chapter.

Nothing in this section shall be construed to prohibit the release of information pertaining to a person who has been convicted of any of the violations of any offense listed in § 11-37.1-2, so long as the information has been gathered or obtained through sources other than the registration process provided by this chapter. Provided further, that nothing in this section shall be deemed to authorize the release of any information pertaining to any victim of any offense listed in § 11-37.1-2.

Credits

P.L. 1996, ch. 104, § 1; P.L. 2003, ch. 162, § 1; P.L. 2003, ch. 170, § 1; P.L. 2024, ch. 45, § 1, eff. June 4, 2024; P.L. 2024, ch. 56, § 1, eff. June 4, 2024.

Gen. Laws, 1956, § 11-37.1-16, RI ST § 11-37.1-16

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Gen.Laws 1956, § 11-37.1-17

§ 11-37.1-17. Immunity for good faith conduct

Currentness

Any person who performs any act or fails to perform any act pursuant to this chapter shall have good faith immunity from any liability, civil or criminal, that might be incurred as a result of the performance of or the failure to perform any act pursuant to this chapter.

Credits

P.L. 1996, ch. 104, § 1.

Gen. Laws, 1956, § 11-37.1-17, RI ST § 11-37.1-17

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Gen.Laws 1956, § 11-37.1-18

§ 11-37.1-18. Continuation of prior duty to register

Currentness

Any person who pursuant to the provisions of former § 11-37-16 had a duty to register under that section after having been convicted of any violation of the provisions of chapter 37 of this title, or for a conviction in another state of first degree sexual assault which if committed in this state would constitute a violation of chapter 37 of this title, shall have the duty to register in accordance with the provisions of this chapter. Nothing in this section shall be construed to abrogate any duty to register which exists or existed under the provisions of former § 11-37-16.

Credits

P.L. 1996, ch. 104, § 1.

Gen. Laws, 1956, § 11-37.1-18, RI ST § 11-37.1-18

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Gen.Laws 1956, § 11-37.1-19

§ 11-37.1-19. Severability

Currentness

If any provision of this chapter or its application to any person or circumstance is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this chapter are declared to be severable.

Credits

P.L. 1996, ch. 104, § 1.

Gen. Laws, 1956, § 11-37.1-19, RI ST § 11-37.1-19

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Gen.Laws 1956, § 11-37.1-20

§ 11-37.1-20. Remand to sex offender board of review

Currentness

Upon application by the attorney general or counsel for the sex offender, the court may remand any case pending adjudication of sexually violent predator status back to the sex offender board of review for further determination of sexually violent predator status and community notification level pursuant to § 11-37.1-6.

Credits

P.L. 2003, ch. 162, § 2; P.L. 2003, ch. 170, § 2.

Gen. Laws, 1956, § 11-37.1-20, RI ST § 11-37.1-20

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Gen.Laws 1956, § 11-37.1-21

§ 11-37.1-21. Duty of shelters and homeless shelters to notify law enforcement of the presence of sex offenders

Currentness

(a) If any person convicted of any offense that requires sex offender registration pursuant to this title, or otherwise has a duty to register his or her address with the law enforcement agency in the municipality in which they reside, is provided residence in any homeless shelter, that person shall be required to inform the shelter of his or her status and duty to register and to provide his or her name and date of birth to each shelter or homeless shelter where he or she resides overnight.

(b) The obligation of the sex offender to provide the information required in subsection (a) of this section, shall be on a continuing daily and nightly basis and he or she shall provide said information to each and every shelter or homeless shelter at which he or she takes up temporary residence regardless of the length of time he or she stays at such shelter.

(c) The homeless shelter that receives information from any sex offender shall be required to transmit that information to the local law enforcement agency and if there be none, to the closest Rhode Island state police barracks before midnight of that day of the offender registering or signing in for the day, night, or any portion of a day.

(d) Any homeless shelter that violates the provisions of this section shall upon a first violation, be fined a civil penalty of up to five hundred dollars (\$500); for a second violation, by a civil penalty of up to one thousand dollars (\$1,000); and for a third or subsequent violation, by a civil penalty of up to five thousand dollars (\$5,000).

(e) Jurisdiction over any violation by a homeless shelter shall be in the district court in the county in which the shelter is physically located.

(f) Any sex offender who fails to disclose information as required by this chapter shall be subject to the same penalties as set forth in § 11-37.1-10.

Credits

P.L. 2017, ch. 233, § 1, eff. July 18, 2017; P.L. 2017, ch. 325, § 1, eff. Sept. 27, 2017.

Gen. Laws, 1956, § 11-37.1-21, RI ST § 11-37.1-21

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