

**DEPARTMENT OF CORRECTIONS
PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance with Rhode Island General Laws (RIGL) § 42-35-3, notice is hereby given that the RI Department of Corrections (RIDOC) proposes to amend the following RIDOC rule:

**28.25-3 DOC
Offender Supervision and Interstate Transfer Application Processing Fees
FEE SCHEDULE ONLY**

This amended rule includes revisions which reflect:

- updated Probation and Parole Offender Fees document to include Electronic Monitoring Supervision Fee
- modification to Probation and Parole Offender Supervision Fee – Non-electronic monitoring Supervision Fee – change of name to whom the check is made out

In the development of this rule, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the RI Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and the RIDOC website (<http://www.doc.ri.gov/index.php>) or available in hard copy upon request (401) 462-3533. Interested persons should submit written comments by January 16, 2015, to Jayne Del Sesto, Chief, Program Development, RI Department of Corrections, 1375 Pontiac Avenue, Cranston, RI 02920 (jayne.delsesto@doc.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

RIDOC does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap in acceptance for or provision of services or employment in its programs or activities.

**RHODE ISLAND DEPARTMENT OF CORRECTIONS
ADULT PROBATION AND PAROLE**

NOTICE: PROBATION AND PAROLE OFFENDER FEES

Supervision Fees - Probation and Parole Non-Electronic Monitoring

As of March 17, 2008, all individuals who are under active probation or parole supervision in Rhode Island are required to pay an offender supervision fee. The fee of \$20.00 per month must be paid for each month of supervised probation or parole.

All fees are collected by a private company under contract with the State of Rhode Island for this purpose. A bill will be sent to each offender on a regular basis. Payment must be by check or money order made payable to the collection agency and delivered by mail.

Failure to pay all fees or falling behind on payments could result in civil legal action against you, even after your probation or parole has terminated.

You will be held responsible for payment of the full \$20.00 for every month of supervision unless and until you demonstrate to your Probation or Parole Officer that you are unable to pay these fees. You must apply to your Probation or Parole Officer for any waiver of the fee, which will be reviewed on a regular basis.

Individuals being supervised on probation or parole are legally obligated to pay these fees. These fees have been instituted under the authority of Rhode Island General Laws §42-56-10 (22), Powers of the Director, and §42-56-38, Assessment of Costs. The amount of the fee and the general collection process were established following a public hearing on February 14, 2008.

Supervision Fees - Probation and Parole Electronic Monitoring

As of (date of hearing), all individuals who are under active probation or parole supervision with EMP/GPS monitoring equipment in Rhode Island are required to pay an offender supervision fee. The fee of \$6.00 per day must be paid for each day of electronically supervised probation or parole.

All fees are collected by the assigned Probation or Parole Officer on a weekly or other agreed upon schedule. Payment must be by bank check or money order made payable to the Rhode Island Department of Corrections. No cash, personal checks or credit cards will be accepted.

Failure to pay all fees or falling behind on payments could result in civil legal action against you, even after your probation or parole has terminated.

You will be held responsible for payment of \$6.00 per day for the length of supervision unless and until you demonstrate to your Probation or Parole Officer that you are unable to pay these

fees. You must apply to your Probation or Parole Officer for any waiver of the fee, which will be reviewed on a regular basis.

Individuals being supervised on probation or parole are legally obligated to pay these fees. These fees have been instituted under the authority of Rhode Island General Laws §42-56-10 (22), Powers of the Director, and §42-56-38, Assessment of Costs. The amount of the fee and the general collection process were established following a public hearing on _____.

Interstate Transfer Application Fee

All individuals who wish to apply for transfer of their probation or parole supervision to another state are required to pay an application fee of \$60.00. Each application for interstate transfer must be accompanied by payment of the fee, which must be completed prior to approval for transfer to another jurisdiction.

Offenders who reside in states other than Rhode Island and have been placed on probation or parole in Rhode Island may apply to return to their "home" states and have supervision transferred. In addition, offenders on probation or parole who reside in Rhode Island and wish to move to another state may also request to have supervision transferred. Decisions regarding transfer of supervision are made by the sending state and the receiving state based upon established criteria.

If you wish to apply for transfer of supervision to another state, you will be required to pay an interstate transfer application processing fee of \$60.00. All fees are collected by a private company that is under contract with the State of Rhode Island for this purpose. A bill will be sent to you, and payment must be by check or money order made payable to the collection agency and delivered by mail. If you are unable to afford the \$60.00 fee, you must be able to demonstrate to the Interstate Compact office or to your Probation or Parole Officer that you are unable to pay the fee.

Failure to pay the application fee in a timely manner (unless waived for financial inability to pay) could result in the transfer application not being processed, and transfer of supervision not being approved. In addition, if you have been subject to paying a monthly supervision fee in Rhode Island, your payments must be current and up-to-date prior to your Interstate transfer application being processed. Payment of the fees will enable the processing of your application to proceed, but does not guarantee that transfer of supervision will be approved.

This fee has been instituted under the authority of Rhode Island General Laws section 42-56-10 (22), Powers of the Director, and section 13-9.1-1.3, the Interstate Compact for Adult Offender Supervision.

All fees are deposited to the State of Rhode Island General Treasury, in accordance with law.

Public Notice:

Public Hearing:

**RHODE ISLAND DEPARTMENT OF CORRECTIONS
ADULT PROBATION AND PAROLE**

**NOTICE: PROBATION AND PAROLE OFFENDER SUPERVISION FEE –
ELECTRONIC MONITORING**

As of _____, all individuals who are under active probation or parole supervision in Rhode Island are required to pay an offender supervision fee. The fee of \$6.00 per day must be paid for each day of electronically supervised probation or parole.

All fees will be collected by the assigned Probation or Parole Officer on a weekly or another agreed upon schedule. Payment must be by bank check or money order made payable to the Rhode Island Department of Corrections. No cash, personal checks or credit cards will be accepted.

Failure to pay all fees or falling behind on payments could result in civil legal action against you, even after your probation or parole has terminated.

You will be held responsible for payment of the full \$6.00 for every day of supervision unless and until you demonstrate to your Probation or Parole Officer that payment of these fees would cause unreasonable financial hardship. You must apply to your Probation or Parole Officer for any waiver of the fee, which will be reviewed on a regular basis.

Individuals being electronically supervised on probation or parole are legally obligated to pay these fees, which have been instituted under the authority of Rhode Island General Laws section 42-56-10 (22), Powers of the Director, and section 42-56-38, Assessment of Costs. The amount of the fee and the general collection process were established following a public hearing on _____.

All fees are deposited to the State of Rhode Island General Treasury, in accordance with law.

Offender Supervision Fees are more fully explained in Policy #28.25-3 DOC (or a successive policy) + SOP.

Notice reviewed with offender:

Offender: _____ Date: _____

P&P Staff: _____ Date: _____

If you do not hear from Probation and Parole within 4 weeks, call:

You must notify the office immediately of any change of address or telephone.

RHODE ISLAND DEPARTMENT OF CORRECTIONS
ADULT PROBATION AND PAROLE

Date Entered _____

**Offender Fee and/or Interstate Application Fee
Supervised Offender
Hardship Waiver Assessment**

Client: _____ PPTS #: _____ DOB: _____

HARDSHIP WAIVER REQUESTED FOR:

OFFENDER FEE – Non-electronic monitoring: (\$20.00 per month for all supervised offenders unless waived)

OFFENDER FEE – Electronic monitoring: (\$6.00 per day for all supervised offenders unless waived)

INTERSTATE TRANSFER APPLICATION FEE: (\$60.00 unless waived)

Information to Support Request as Available from Offender:

a. # of Dependents, Including Offender: _____

b. Family Income: _____

c. Ability to Work/ Earn Income: _____

d. Exceptional Expenses: _____

e. Other Exceptional Circumstances: _____

f. Unnecessary or Excessive Expenses: _____

g. Supporting Documentation Reviewed: _____

[Paystub, tax return, disability award letter,
evidence of expenses, etc.] _____

Based upon review of policy criteria (refer to Policy 28.25-3 DOC and associated SOP) and evidence presented by offender, the Probation and Parole Officer determines that this individual:

IS NOT qualified for a waiver of fees at this time. STOP HERE.

*IS qualified for a waiver of Interstate application fee.
FORWARD WAIVER INFORMATION TO INTERSTATE OFFICE.*

*IS qualified for a waiver of offender supervision fees. Effective day/month/year: _____ ** .*

Offender supervision fee waiver is based on:

Long-term hardship (specify disability, benefits recipient, serious illness/ accident, retired, other chronic inability to work or earn adequate income; chronic family illness with financial and/or care responsibility; homeless; etc.) and inadequate financial resources.

[Review at 12-Month Intervals.] First Review Due Month/Year: _____.

Short-term hardship (specify unemployed or underemployed/ actively seeking work; short-term recovery from illness/ accident; participation in inpatient treatment program; full time student; exceptional client/family expenses; incarcerated – detained or sentenced – when not eligible for banking; etc.) and inadequate financial resources.

[Review at 4-Month Intervals.] First Review Due Month/Year: _____.

P+P Staff: _____ Date: _____

Supervisor: _____ Date: _____

(**Any effective date that is longer than 3 months prior to the date of the form requires specific approval by the Supervisor.)