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Providence Journal-Bulletin (Rhode Island)

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House passes bill on habitual crime

BYLINE: SCOTT MacKAY; Journal-Bulletin State House Bureau

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Legislation requiring the attorney general to bring habitual criminal charges against anyone convicted of two or more felony crimes won House approval Tuesday by a 52-to-30 vote.

The measure, sponsored by Rep. Donald Reilly Jr., D-Cumberland, would make such criminals liable for a habitual-criminal prison term of up to 25 years. Under the bill, which now heads to the Senate, the attorney general would have 45 days after an arraignment to notify a defendant and his or her defense lawyer of the habitual-criminal charge.

Rep. David Cicilline, D-Providence, objected to the bill, saying it is too harsh and would subject too large a class of convicted criminals to the habitual charge. For example, Cicilline said, someone convicted of two separate stolen property crimes of more than \$ 500 each would be labeled a habitual offender.

"We have made virtually every crime in Rhode Island a felony," said Cicilline. "This is just feel-good legislation that makes us think we are doing something to curb crime."

School lessons in R.I. history

Every elementary and junior high school would be required to teach students Rhode Island history, under legislation approved by a 63-to-15 vote in the House yesterday.

The measure, sponsored by Rep. Leona Kelley, R-South Kingstown, is designed to give students a better appreciation of Rhode Island's history and the forces that shaped the state.

The state Department of Education would choose the curriculum. The measure requires the curriculum to emphasize "the influence of Rhode Island on the formation and development of the United States."

Parole-hearing notice

The House on Tuesday approved legislation that would require the state Parole Board to notify victims of crimes prior to the inmate's parole hearing and explain to the victims their right to file an impact statement with the board.

In the case of murder, the board would be required to notify the victim's next of kin.

The measure was sponsored by Rep. Joseph McNamara, D-Warwick. It now goes to the Senate.

Privacy for police, ACI guards

Legislation barring state, city or town officials from releasing the home telephone numbers or home addresses of police or correctional officers won House passage Tuesday by a 78-to-3 vote.

The measure, sponsored by Rep. Robert Flaherty, D-Warwick, was approved without debate. The bill heads to the Senate.

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State of Rhode Island and Providence Plantations

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord one thousand nine hundred and ninety-eight.

Volume 125, No. 40

Tuesday, April 21, 1998

Fortieth Day

The House of Representatives meets at the State House in Providence, Tuesday, April 21, 1998, and is called to order at 5:10 o'clock P.M., by the Honorable John B. Harwood, Speaker.

The roll is called and a quorum is declared present with 96 members present and 4 members absent as follows:

PRESENT 96: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, 5., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Caruolo, Cicilline, Coderre, Coelho Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell', Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, 6., Lima, Little, Long, Lopes, Lowe, Malik, Martineau, McCauley, McGowan, McNamara, Menard, Mesolella, Millard, Montalbano, Montanaro, Moura, Munschy, Naughton, Palangio, Palumbo, Panciera, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 4: Representatives Campbell, Castro, Metts, Murphy.

INVOCATION

The Honorable Speaker presents Representative Giannini, who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Thursday, April 9, 1998, is approved as printed.

EFFECTIVE WITHOUT SIGNATURE OF

THE GOVERNOR

The Honorable Speaker announces receipt by the Secretary of State of the following measures, effective without signature of His Excellency, the Governor:

(98-H 7267) (Substitute "A" as amended) An Act making revised appropriations for the support of the state for the fiscal year ending June 30, 1998, effective April 15, 1998.

marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on motion of Representative Kennedy, seconded by Representatives Rose, Henseler, Faria, Benson, Coelho, Coderre, M. Anderson and Palangio, on a roll call vote, 82 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 82: The Honorable Speaker Harwood and Representatives Aiken, Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Cicilline, Coderre, Coelho, Costantino, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Malik, Martineau, McCauley, McNamara, Menard, Mesoellella, Millard, Montalbano, Munsch, Naughton, Palangio, Palumbo, Panciera, Picard, Fires, Pisaturo, Quick, Rabideau, Reilly, Rose, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Smith, Voccola, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

4. (98-H7598) An Act relating to criminal procedure.

Committee on Judiciary recommends passage.

Representative Flaherty moves passage of the act, seconded by Representatives Faria, Giannini, Reilly, McNamara, San Bento and Long.

Representatives C. Levesque and Cicilline discuss the act.

Read and passed, on motion of on a roll call vote, 52 members voting in the affirmative and 30 members voting in the negative as follows:

YEAS 52: The Honorable Speaker Harwood and Representatives Anderson, M., Anderson, S., Anzeveno, Barone, Benson, Bierman, Cambio, Carpenter, Carter, Coderre, Coelho, DeSimone, Faria, Farrell, Ferguson, Flaherty, Garvey, George, Giannini, Ginaitt, Henseler, Inman, Iwuc, Kelso, Kennedy, Lanzi, Little, Long, Malik, Martineau, McNamara, Menard, Mesoellella, Millard, Montalbano, Naughton, Falangio, Palumbo, Panciera, Picard, Quick, Rabideau, Reilly, Rose, San Bento, Sherlock, Simonian, Smith, Wasylyk, Williamson, Winfield.

NAYS - 30: Representatives Aiken-Salandria, Ajello, Amaral, Benoit, Burlingame, Callahan, Carroll, Cicilline, Costantino, Fleury, Fox, Hetherington, Iannitelli, Jacquard, Kelley, Levesque, C., Levesque, G., Lima, Lopes, McCauley, Munsch, Fires, Fisaturo, Salisbury, Scott, Shavers, Slater, Voccola, Walter, Watson.

5. (98-H7278) (Substitute "A") An Act relating to municipal detention facilities.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute The bill marked Substitute cc~, read and passed, and the original bill indefinitely postponed, on motion of Representative Flaherty, seconded by Representatives Faria, Farrell, Caruolo, McNamara, San Bento, Palumbo and M. Anderson, on a roll call vote, 79 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS 79: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Benoit, Benson, Bierman, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Caruolo, Cicilline, Coderre, Coelho, Costantino, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, George, Giannini, Ginaitt, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Malik, Martineau, McCauley, McNamara, Menard, Mesoellella, Millard, Montalbano, Munsch, Naughton, Falangio, Falumbo, Fancier, Ficar, Fires, Fisaturo, Quick, Rabideau, Reilly, Rose, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Smith, Walter, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

6. (98-H7272) (Substitute "A") An Act relating to criminal offenses - sexually violent predators.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A". The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on motion of Representative Palumbo, seconded by Representative Caruolo, on a roll call vote, 75 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 75: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Benoit, Benson, Bierman, Burlingame, Callahan, Cambio, Carpenter, Carroll, Carter, Caruolo, Coderre,