RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

PAROLE BOARD

Title of Rule: Parole Board Sex Offender Community Notification Unit Guidelines 2015

Rule Identifier: 242-RICR-XXX-XX-2745

Rulemaking Action: Proposed Repeal

Important Dates:
Date of Public Notice: 11/30/2018
End of Public Comment: 12/30/2018

Authority for this Rulemaking:
R.I. Gen. Laws § 11-37.1-12

Summary of Rulemaking Action:

Per P.L. 2003, ch. 162, § 1, the Rhode Island Parole Board was charged with creating "guidelines and procedures" for community notification under the Rhode Island Sexual Offender Registration and Community Notification Act ("the Act"). See Public Laws Rhode Island 2003, ch. 162, § 1; Rhode Island General Laws 11-37.1-12. Section 12 of the Act expressly sets out the scope of community notification for each risk tier, and the guidelines offer guidance and procedures to law enforcement and the public regarding the manner by which the notifications for each risk tier may be made. Since inception, the Parole Board has fulfilled this requirement by establishing *guidelines* promulgated through its annual open meetings process. In 2016, however, these guidelines were erroneously codified as regulations. The instant rulemaking action proposes to correct this error and repeal in its entirety "Parole Board Sex Offender Community Notification Guidelines 2015", 242RICR-XXXXX2745, as a regulation and resume the Parole Board's longstanding practice for the past fifteen years to use this document as guidelines. The Parole Board will continue to use its annual open and public meetings process to review, solicit input and/or update these guidelines.

Due to the non-controversial nature of this repeal as a corrective action, especially since the Sexual Offender Community Notification Guidelines have always been created and used as guidelines (since 2003), the Parole Board initially filed a Direct Final Repeal on November 2, 2018. However, the Parole Board received an objection this this Direct Final Appeal on November 29, 2018. The Parole Board is now filing this as a Regular Repeal action and will be terminating its Direct Final Repeal.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed repeal until December 30, 2018 by contacting the appropriate party at the address listed below:

Matthew Degnan
Parole Board
40 Howard Ave.
Mathias Bldg. #56
Cranston, RI 02920
matthew.degnan@doc.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, 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.

Regulatory Analysis Summary and Supporting Documentation:
In the development of the proposed repeal consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. This is a corrective action, consistent with P.L. 2003, ch. 162, R.I. Gen. Laws 11-37.1-12.

For full regulatory analysis or supporting documentation see agency contact person above.

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