

The Town Council of the Town of Smithfield desires to amend, by Ordinance Chapter 50 of the Town of Smithfield Code of Ordinances entitled "Juvenile Hearing Board" as follows:

IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD AS FOLLOWS:

Section 1.

§ 50-1. Board established.

- A. There is hereby established within the Town of Smithfield, a Juvenile Hearing Board with the powers set forth in this chapter for the purpose of hearing all cases referred to such Board by the Chief of Police, or his designee, from the Town of Smithfield, under the age of 18, who are charged with violating the criminal laws of the State of Rhode Island including wayward, misdemeanor and status offenses and violations of local Town ordinances.
- B. Referrals to the Juvenile Hearing Board will be made by the Chief of Police or his designee. Referral to said Juvenile Hearing Board shall not be offered to any juvenile:
 - (1) Who has been charged with the crime of assault or battery, unless specifically approved by the Chief of Police of the Town of Smithfield;
 - (2) Who has been accused of drug offenses except for the possession of alcohol, unless specifically approved by the Chief of Police of the Town of Smithfield;
 - (3) Who shall have been twice previously referred to said Board or who shall have been once previously referred to said Board and refused or failed to abide by the sanctions imposed or to make restitution recommended by said Board; or
 - (4) Who at the time of commission of such juvenile offense was within the custody and control of the Family Court, not to include guardianship matters.
- C. The Board, after investigation, may refuse to hear any case in which it appears that a juvenile was wrongfully referred in violation of the code. In addition, the Board may refuse to hear any case in which the juvenile refuses to supply the Board with requested information, fails to appear when requested or refuses to cooperate with the proceedings of the Board. The Board shall immediately notify the Chief of Police, in writing, of any case it refuses to hear, and the Chief of Police shall take whatever further action that is deemed necessary, including referral to Family Court.

§ 50-2. Powers and duties.

- A. The Juvenile Hearing Board shall hear all cases referred to it by the Chief of Police or his designee and shall determine whether there is reasonable cause to believe that the person so referred has committed the offense alleged and whether such person shall be disciplined as a result thereof. A further condition of referral is that the juvenile agrees to his involvement in the incident and waives his rights. In making such determination, the Juvenile Hearing Board shall not be bound by the customary rules of evidence, and may consider all probative and relevant evidence whether or not such evidence would be admissible in a court of competent jurisdiction. In those cases in which the Juvenile Hearing Board shall determine that there is reasonable ground to believe that the offense was committed by the person so charged and that such person should be disciplined, it shall recommend sanctions (other than incarceration) and shall direct restitution, including without limiting the generality of the foregoing, an attempt to provide with cooperation of the Town administrator or the superintendent of schools suitable employment by the Towns of Johnston and Smithfield. In any such proceeding the Juvenile Hearing Board, prior to imposing sanctions, shall request the juvenile offender and his parents to agree to the sanctions imposed, and the amount of restitution and manner of making the same. In ordering restitution, the Juvenile Hearing Board shall take into account the juvenile offenders ability to pay, and the amount of actual damage caused as a result of the commission of such offense.
- B. Sanctions imposed by the Board shall be for a period of time not to exceed six months and may consist of, but not be limited to community service, reasonable restitution, direct work service for the victim, letters of apology, curfews, referrals for counseling and intervention services, alternative dispute resolution programs, driving license restrictions, etc. The sanctions or conditions set forth shall be in writing, clearly understood by the juvenile and his or her parents/guardian and a signed copy provided to them. The specific sanctions shall be completed within 60 days except with regard to school related and counseling issues. If sanctions are not agreeable to the juvenile or parents/guardian, the offense complaint shall be returned to the referring person which in turn may refer to Family Court. If a referral is made to Family Court under such conditions, a notation shall be included to inform the court of the action of the Juvenile Hearing Board to try to resolve the matter and the reasons why this was unsuccessful. Likewise if a juvenile fails to comply with the agreed upon sanctions, without good cause, the action of the Juvenile Hearing Board may be vacated and the matter referred to Family Court with a notation to that effect. The Juvenile Hearing Board shall provide the Chief Judge of the Family Court with an annual report as to their activity.

§ 50-3. Administration.

The membership of the Regional Juvenile Hearing Board shall consist of five persons and two alternates over the age of 18 years, all of whom shall be a resident of at least three years, and none of whom shall be attorneys admitted to practice before the Supreme Court of the State of Rhode Island. The composition of the Board shall consist of citizens of Smithfield who have a background in and of the related fields of education, probation and parole, human services, community youth programs, members of the clergy, former law enforcement or judicial officials or citizens who the Council deems has the credentials that would be an asset to the Board. The Town Council shall appoint five members and two alternate members who are registered voters in the Town of Smithfield. The Town Council shall appoint two members whose term shall expire on September 30, 2027, and thereafter until their successors are appointed and qualified, two

members whose term shall expire on September 30, 2028, and thereafter until their successors are appointed and qualified and one member whose term shall expire on September 30, 2029, and thereafter until their successors are appointed and qualified. The two alternatives shall be appointed for a period of one-year terms to expire on September 30. During the month of August and annually thereafter, the Smithfield Town Council shall appoint a member or members to succeed the member or members whose terms will next expire, to serve for a term of three years, commencing on the first day of October, and thereafter until their successors are appointed and qualified. No Board member shall serve more than two consecutive terms. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, such vacancy shall be filled in like manner as the original appointment, but only for the remainder of the term of the former member. No member of the Juvenile Hearing Board shall be entitled to receive any compensation by reason of his or her service on the Board.

§ 50-4. Applicability.

This chapter shall apply to all juveniles alleged to have committed an offense after September 1, 1996.

Section 2. These ordinance amendments shall take effect thirty (30) days after their adoption.

APPROVED AS TO FORM AND LEGALITY:




Anthony M. Gallone, Jr.
TOWN SOLICITOR

ADOPTED: October 7, 2025



John J. Cassoni, Jr.
TOWN COUNCIL PRESIDENT



Lyn M. Antonuccio
TOWN CLERK

