State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

June 22, 2010

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2010 H 7821, Substitute A, "Relating to Criminal Procedures – Criminal Injuries Compensation."

This bill would create a definition of "crime of violence" at Rhode Island General Law section 12-25-17(15) which excludes many serious crimes out of the definition including third degree sexual assault, larceny from the person, driving to endanger, death or injury resulting, or certain types of felony assault cases such as assault of a person over the age of sixty (60) causing bodily injury. The result of this amendment is that if a person committed one of these crimes and was subsequently a victim of a crime up to five (5) years thereafter, the crime victim compensation program administrator could not consider the conviction as an aggravating factor in denying compensation under the fund under section 12-25-19(d)(1).

The bill also adds language to Rhode Island General Law section 12-25-19(d)(1) stating that "compensation shall be made for any homicide victim, including, but not limited to, burial or funeral expenses, unless said death resulted from the commission of a crime committed by the homicide victim." Sometimes a homicide victim negligently contributes to his demise and their actions should be factored into the analysis. For example, if a person decided to become a passenger in a car knowing the driver was intoxicated and was killed in an accident due to driver intoxication, a claim under the fund by the passenger's estate could not be denied. Most states have laws denying such a claim under these circumstances.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor