

OFFICE OF THE PUBLIC DEFENDER

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March 10, 2025

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 5897

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES – SUSPENSION OR REVOCATION OF LICENSES – VIOLATIONS

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender wishes to express our opposition to HB5897, which aims to modify penalties related to driving with a denied, revoked, or suspended license. We strongly oppose the inclusion of individuals whose licenses were suspended for civil violations in the category subject to mandatory minimum sentences.

Our opposition to mandatory minimum sentences is rooted in both scientific evidence and practical experience. These sentencing structures curtail judicial discretion, perpetuate unjust outcomes, and overlook the unique circumstances of each case.

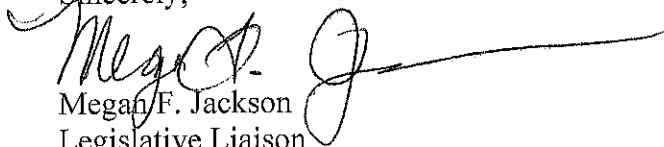
The current law, section 31-11-18.1, intentionally reserves such sentences for individuals whose driving poses a criminal danger to the community. Specifically, it applies to those whose licenses were suspended or revoked due to criminal offenses or refusal to submit to chemical tests associated with DUI arrests. This legislative stance reflects a deliberate policy choice to distinguish between individuals who blatantly disregard court orders following criminal driving behavior and others driving with revoked or suspended licenses.

It is essential to recognize that individuals accumulating three moving violations within one year, who would face mandatory minimum sentences under the proposed bill, do not exhibit the same level of criminal culpability as those covered under the existing statute. The reach of the proposed bill would further be expanded by the changes contained in HB5899, which would add five additional driving violations to the definition of aggressive driving.

While we maintain our stance against mandatory minimum sentences generally, we emphasize that the proposed amendments deviate even from established norms as to their use. Mandatory minimums typically target the most culpable individuals and the most dangerous behaviors, criteria not met by the additional class of drivers proposed to inclusion under HB5897.

We appreciate your attention to this critical issue and urge you to consider the perspective of the Office of the Public Defender. We are available for further discussions on the matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Megan F. Jackson", followed by a long horizontal flourish line.

Megan F. Jackson

Legislative Liaison

Office of the Public Defender

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