

# OFFICE OF THE PUBLIC DEFENDER

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## TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

**House Bill No. 5124 – ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE  
–THE RHODE ISLAND FIRST STEP ACT.**

**House Bill No. 5349 – ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY –  
VITAL RECORDS**

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender writes to express our support and concerns regarding specific provisions within HB5124 as well as our support for HB5349. We commend the sponsors for their efforts in addressing various aspects of the criminal legal system, and we appreciate the opportunity to provide feedback on this proposed legislation.

First, we wish to express our strong support for several provisions of the First Step Act as proposed. Section three of the bill, which outlines factors for courts to consider during sentencing, contains a crucial step towards ensuring fairness and consistency in sentencing practices. While we believe that judges already consider such information when presented properly, codifying these requirements will guarantee their consideration in every case, thus enhancing the transparency and accountability of the judicial process.

Moreover, we support Section four, entitled, Dignity for Female Inmates, which prohibits pregnant inmates from being shackled and requires that the Department of Corrections provide feminine hygiene products to all female inmates at no cost. We also support Section five, which allows for the reduction of sentences in light of changes in the law that would result in a lower sentence if the crime were committed under the revised statute. This provision ensures that individuals serving sentences are not unfairly disadvantaged by subsequent changes in legislation.

Furthermore, we support the inclusion of subsection (a) of Section seven, which requires that individuals whose sentences expire on a weekend or holiday are released on the preceding weekday. While General Laws section 12-19-2 currently gives the Department of Corrections the discretion to do this, this bill would mandate such releases. This practical adjustment promotes efficiency and fairness within the criminal legal system.

Finally, we express our support for Sections ten and eleven of HB5124, which focus on facilitating the successful reintegration of inmates, by assessing needs and assisting with obtaining identification for all inmates and programs for those who are high-risk, because of substance use and/or mental health concerns. Additionally, our office supports HB5329, which would exempt

those who are set to be released from fees related to first requests for their own personal records at the department of health. Such initiatives, which aim to reduce recidivism, are critical for promoting successful reentry into society and fostering positive outcomes for individuals involved in the criminal legal system.

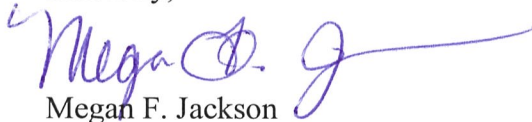
Our concerns about the bill are two-fold. First, with respect to subsection (b) of Section seven, pertaining to the treatment of good-time credit, we believe that the current statute allowing for monthly accrual of good-time credit is preferable to the annual accrual proposed in the bill. While we acknowledge the intent behind the proposed changes, it remains unclear to us whether this provision aims to supplement or replace existing good-time statutes, and we urge for clarification in this regard. Nevertheless, we are supportive of the provision within subsection (b) that permits the accrual of good-time credit for individuals serving life sentences who demonstrate exceptional behavior.

Second, with respect to section five and subsection (3) of section six, our office is concerned about the potential addition of motions related to this bill to our already overburdened caseload. While section five is silent as to whether inmates would be entitled to counsel for purposes of motions related to the section, section six specifically requires DOC personnel to assist inmates with preparing requests for the appointment of counsel.

In Fiscal Year 2024, caseload assignments to attorneys in the Adult Trial Division of the Office of the Public Defender exceeded the American Bar Association (ABA) recommended target for ethical representation by over 55%. The ABA set a target of 7,890 assigned cases and our office assigned 12,264 cases. Presently, the Office of the Public Defender is unable to ethically handle the current volume of criminal cases referred to it, let alone take on additional clients.

In conclusion, while we commend the sponsors for their efforts in addressing various aspects of criminal legal reform through HB5124, we respectfully urge further consideration of the concerns outlined above. We remain committed to working collaboratively towards the advancement of fair and equitable policies within our legal system. With respect to HB5439, we recommend that the committee vote in favor of passage.

Sincerely,



Megan F. Jackson

Legislative Liaison

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