

April 3, 2025

Dear Chairman Craven and Members of the House Judiciary Committee,

As a retired jurist who sat on the Rhode Island Superior Court for over two decades and championed legislative changes to our probation laws before this body several years ago, let me add my voice to the chorus of those testifying in strong support of the Sentencing Reconsideration Act. The chorus, frankly, is just as important as the bill – as it includes folks with extensive lived experience behind the walls of the ACI who educated and rehabilitated themselves, against all odds, and now advocate for greater justice. They serve as a beacon for others and are changing lives in the community in so many ways.

The legislation before you would add a missing tool to the criminal justice toolbox: allowing the Superior Court to reconsider a defendant's sentence after a ten-year period of incarceration, examining the steps that person has taken toward rehabilitation (and addressing any disparities in sentences between similarly situated defendants) to determine if a different sentence is warranted. Reconsideration would not require a change of sentence; it would leave the question of any change to the Court's discretion after hearing from the prosecution, defense and any victims. Yet, it would give defendants an opportunity to convince the Court that meaningful change matters.

The Court, as it stands, has no such power. It can only modify a sentence once imposed (unless it was illegal) on motion filed within 120 days of imposition of sentence or affirmance of that sentence. It has no power to re-examine a sentence imposed a decade or more earlier based on a defendant's rehabilitation or other compelling factors. It seems appropriate to grant the Court this power since it is the Court alone that is responsible for sentencing. It is the Court's sentence that must do justice. It is the Court's sentence that drives probation and parole. The legislation appropriately holds the Court accountable for its sentence, not just at the time of sentencing, but for the duration of the sentence.

There were times on the Court when I wished, with benefit of hindsight, that I had the power to reconsider a defendant's sentence. There were times that the prosecutor, defense attorney, defendant, and victim agreed that a reduction of sentence would be justified.

People do amazing things behind the walls. They earn GEDs and college degrees, gain insight into their mental health and addictions, create art, write poetry and train dogs, mentor others, play by the rules, discover their gifts, become leaders, and create plans for changing lives and the community upon release – all in the harshest of places designed to meet the prison's stated purpose to punish but not rehabilitate. I have witnessed this power of transformation first-hand through my affiliation with College Unbound, supporting incarcerated students as they worked toward earning their college degrees. I support this legislation as it honors their humanity and capacity for change.

By promising the opportunity to be heard on a plea for a sentence reduction, this legislation offers hope to those who are incarcerated and encourages them to make the most of their time in prison. It lets them be seen. That power of rehabilitation changes lives inside and out. We should want to look again at sentences to ensure that we get justice right.

Respectfully submitted,

*/s/ Judith C. Savage*

Assoc. Justice, R.I. Superior Court (ret.)