

# OFFICE OF THE PUBLIC DEFENDER

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

House Bill 5924

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEXUAL ASSAULT  
– SHERRY’S LAW.

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender strongly opposes HB5924, which would increase the mandatory minimum sentence for first-degree sexual assault and first-degree child molestation convictions. While we recognize the seriousness of these crimes, our office has consistently opposed legislation, such as this, that inhibits a judge’s ability to fashion an appropriate sentence based upon the defendant’s background and the unique facts and circumstances of the case before them. By requiring a mandatory ten (10) year sentence to be served without the possibility of suspending or deferring some or all of that sentence, the proposed legislation does just that.

Mandatory minimum sentences limit judicial discretion and can have numerous negative collateral consequences such as: 1) sentences greatly disproportionate to the severity of the offense; 2) severe negative impacts upon certain categories of offenders and particular social groups; 3) a shift in discretion from judges toward the police and prosecution; and 4) increased workloads for courts and drains on defense services resulting from offenders’ increased reluctance to plead to charges with severe mandatory punishments. Importantly, the proposed bill risks triggering these consequences despite little evidence that mandatory minimum sentences reduce crime.

In addition, convictions for first-degree sexual assault and first-degree child molestation already carry a number of serious collateral consequences for an offender. These include lifetime GPS monitoring, lifetime sex offender registration, and limitations on employment and residence.

For these reasons, the Office of the Public Defender strongly opposes HB5924.

Sincerely,



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