

THE RHODE ISLAND ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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*FOUNDED 1988 BY
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TESTIMONY OF THE RHODE ISLAND ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (RIACDL) IN OPPOSITION TO 2025-H 5924. ⁱ

- The RIACDL writes to oppose 2025-H 5924. This proposed legislation would increase the mandatory minimum for first-degree sexual assault convictions by five years, and legislate mandatory terms of incarceration for first-degree sexual assault and first-degree child molestation sexual assault convictions. At its core, this proposed legislation will inhibit the exercise of judicial discretion in criminal cases and interfere with the courts ability to fashion a sentence that is fair and appropriate.
- Inhibiting judicial discretion in sentencing often leads to absurd and unfair results. The sentence will not be based on the facts and circumstances of the particular case or the background of the particular defendant. Instead, the sentence will be mandated by the state's charging decision. Ultimately, the judge will be unable to tailor a sentence to fit the case and the defendant.
- Tying judges' hands results in sentences that emphasize punishment and incarceration over rehabilitation. This shifts the focus away from addressing the root causes of criminal behavior and recidivism, such as substance use and mental health.
- There is also a significant risk that disproportionately harsh sentences will result with this broad-brush approach. This is especially true for first-time offenders and members of the minority community, who will be subjected to increased rates of incarceration. This undermines the principles of fairness and proportionality in the criminal justice system.

- Mandatory minimum sentences of incarceration also contribute to prison overcrowding and increase in costs to the taxpayer, resulting in the inefficient use of resources.ⁱⁱ Alternative sentencing options, such as probation or a suspended sentence, may be more efficient and cost effective.
- Finally, judges are legal experts. They are trained to weigh evidence, consider legal principles, and make informed decisions. Limiting discretion in sentencing undermines judges' expertise and may result in less effective and fair outcomes. Judges are more than capable of fashioning sentences that fit the crime and the defendant, considering not just punishment, but rehabilitation and reintegration into the community.ⁱⁱⁱ Judicial discretion serves as a check on the potential injustice that may arise from rigid sentencing laws and mandatory minimums, allowing the criminal justice system to remain flexible and responsive to evolving societal norms and values.

ⁱ RIACDL is an affiliate organization of the National Association of Criminal Defense Lawyers (NACDL). RIACDL was founded in 1988 by the late Richard M. Casparian, former Public Defender for the State of Rhode Island from 1988 until his death in 1997. RIACDL's mission includes, "working toward achieving justice and dignity... for persons accused of crime and the criminal justice system, and to influence the criminal law for the betterment of the criminal justice system...." RIACDL is registered with the Rhode Island Secretary of State's Office as a nonprofit organization.

ⁱⁱ A prison impact statement has not been attached to this proposed legislation. See R.I.G.L. 42-56-39, which states in part:

All acts, bills, and resolutions having an effect on the revenues, expenditures, fiscal liability, bed space, staff, or programs of the department of corrections, which can be calculated with reasonable accuracy, by establishing or extending a mandatory minimum term of imprisonment which is not subject to suspension, probation, or parole, excepting appropriation measures carrying specified dollar amounts, shall be accompanied by a brief explanatory statement or note which sets forth the estimated dollar effect thereof taking into consideration additional bed space, staff, and programs required if enacted. This statement or note shall be known as "a prison impact statement" and shall be attached to the end of each act, bill, or resolution prior to consideration of the house in which the act, bill, or resolution originated. This prison impact statement shall specify the effect in dollar amounts and additional bed space, additional staff, and additional programs for the current fiscal year and estimates for the next two (2) succeeding fiscal years. (emphasis added)

ⁱⁱⁱ Sentencing in first-degree sexual assault and first-degree child molestation cases already involves significant collateral punishment including restrictions on where a defendant can live and work, and sex offender registration obligations.