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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 7134

**ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE — THE RHODE ISLAND
FIRST STEP ACT**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender writes to express our **support and concerns regarding specific provisions** within H7134, The Rhode Island First Step Act, which addresses a whole host of issues within our prison system. We commend the sponsors for their efforts in addressing the needs of incarcerated and soon-to-be-released individuals, 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 3 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 4, 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—a truly important step in ensuring that their basic needs are met. We also support Section 5(c), 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 Section 7(a), 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. We also applaud the inclusion of Sections 7(d) through (g), 8, 10, and 11, which all provide incarcerated individuals with tools and support they need while inside the prison, at the tail end of their sentence, and upon release. Together, these sections will improve an inmate's transition back into the community—a particularly vulnerable time in a person's life. Providing these individuals with the proper support—and, in some cases, placement in pre-release "step-down" custody such as home confinement—

has been proven to prevent criminal recidivism; thus, we strongly support all these provisions and believe they will go a long way to preventing recidivism and ensuring the safety of the community.¹

We do offer two concerns that we would urge the sponsors to consider addressing before further action is taken on this bill. First, with respect to Section 7(b), 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, as inmates can see the fruits of their good behavior accrue as they earn it, further incentivizing them to stay on the straight and narrow path while incarcerated. Moreover, 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 Sections 5 and 6(3), 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. **We would happily take on these cases—but we need additional resources to do it.**

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. We have already absorbed motions for geriatric and medical parole, and, thus, these increased caseloads have stretched us even further than they did in 2024. Public defenders expect to work long hours and do more with less, but we already stretched far too thin and would need additional staff to help absorb the increased demands of our services.

In conclusion, we are thrilled with the reforms proposed in H7134, but we respectfully urge that its passage be accompanied by an increase of Public Defender resources. We remain committed to working collaboratively towards the advancement of fair and equitable policies within our legal system, and we very much appreciate the sponsors' interest in instituting criminal justice reform.

Sincerely,

/s/ Angela M. Yingling

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¹ Grant Duwe, *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*, U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, (June 2017), available at <https://www.ojp.gov/pdffiles1/nij/250476.pdf> (last accessed April 1, 2026) (finding lowered rates of recidivism when people are offered educational programming, employment programming, cognitive behavioral therapy, chemical dependency treatment, sex offender counseling, and social support programming—with the best results occurring when the programming begins in the prison and then continues after the person is released).