

April 2, 2026

Rep. Carol Hagan McEntee, Chair  
R.I. House Judiciary Committee  
82 Smith Street  
Providence, RI 02903

**Re: H7205, The Sentencing Reconsideration Act**

Dear Chair McEntee and Members of the Committee:

I respectfully submit this testimony in support of H7205, the Sentencing Reconsideration Act. This legislation provides a necessary, structured mechanism for individuals who have served at least ten years of their sentence to petition the Superior Court for a sentence reduction.

*Importance of Rehabilitation in Sentencing*

In Rhode Island, rehabilitation is one of the primary considerations in the sentencing process, *State v. Bertoldi*, 495 A.2d 247 (1985) (“there can be little doubt that a criminal defendant’s prospects for rehabilitation should be a major consideration in the mind of a trial justice when imposing sentence”), and sentencing judges are charged with making their best guess of a defendant’s “potential for rehabilitation,” *State v. Lynch*, 58 A.3d 146, 149 (R.I. 2013).

But, under current Rhode Island law, the evidence for estimating future rehabilitation is limited to data available at the moment of sentencing. By establishing a mechanism for judicial review ten or more years of incarceration, H7205 empowers the courts to replace their initial prediction of rehabilitative *potential* with a concrete evidentiary record; incorporate actual markers of rehabilitation, such as vocational training, testimonials, and participation in treatment programs; and give full, substantive weight to what the state Supreme Court deems a primary consideration of justice.

*Existing Post-Conviction Remedies are Inadequate*

Rhode Island’s current legal framework lacks a meaningful pathway for the judiciary to review sentences after an extended period of incarceration. Currently, post-conviction sentence reductions are exclusively governed by Superior Court Rule 35. Under this rule, a defendant must file a motion to reduce their sentence within a strict 120-day window following the imposition of the sentence; remedy is limited to “illegal” sentences.

Once this 120-day period expires, trial judges are stripped of their “continuing authority to modify” the original sentence. *State v. Graff*, 17 A.3d 1005 (R.I. 2011). This procedural rigidity prevents the courts from considering decades of institutional rehabilitation.

Mechanisms available to incarcerated persons after that 120-day window are inadequate to address the gap which would be covered by H7205. Post-conviction relief under R.I. Gen. L. § 10-9.1 is strictly limited to collateral attacks alleging constitutional defects, jurisdictional errors, or newly discovered evidence of actual innocence. While the parole board exercises discretionary release authority, its jurisdiction is limited by statutory time-served thresholds or other evidentiary requirements (in the case of medical and geriatric parole). Similarly, statutory good time credits under § 42-56-24 are strictly capped.

H7205 directly resolves this gap by allowing the court to revisit sentences when original penal goals have been satisfied or new circumstances justify reevaluation.

*Alignment with National “Second Look” Trends*

H7205 would align Rhode Island with a growing consensus adopting comprehensive sentence modification frameworks, including Connecticut (Conn. Gen. Stat. § 53a-39 allows prisoners to petition for a sentence reduction “at any time during an executed period of incarceration” for good cause shown); Indiana (Ind. Code § 35-38-1-17 allows courts to reduce sentences at any time after imprisonment begins); Delaware (Del. Code Title 11, § 4217 allows courts to modify sentences based on factors which “include... rehabilitation of the offender, serious medical illness or infirmity of the offender and prison overcrowding”); and the federal system (compassionate release under 18 U.S.C. § 3582(c)(1)(A) can be used to mitigate “unusually long sentences” for individuals who have served over a decade in prison).

*Preservation of Judicial Discretion*

H7205 is not a mandate for early release; it preserves judicial discretion by requiring the petitioner to prove by “clear and convincing evidence” that a reduction is warranted after consideration of documented rehabilitative efforts, retroactive changes in law, and evidence regarding underlying causes of criminal behavior. The bill also preserves victims rights through rights to receive notice, address the court, and submit impact statements regarding the potential sentence reduction.

*Conclusion*

H7205 is a measured, evidence-based reform that brings Rhode Island in line with national best practices. I urge the Committee to advance this legislation.

Thank you for your consideration.



Natalia Friedlander, Esq.  
Associate Professor, Roger Williams University School of Law\*

*\* Title for identification purposes only; views expressed are my own.*