

OFFICE OF THE PUBLIC DEFENDER

160 Pine Street, Providence, Rhode Island 02903

TELEPHONE: (401) 222-3492

FAX: (401) 222-3287

EMAIL TO: info@ripd.org

WEBSITE: www.ripd.org

April 8, 2026

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8055

**ENTITLED, AN ACT RELATING TO RELATING TO CRIMINAL OFFENSES—
ASSAULTS**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** House Bill 8055, which would double the maximum sentence for the crime of assault with intent to commit murder from twenty years to forty years in prison. In our experience, the current penalties are sufficient to ensure that the offenders receive appropriate sentences in these cases. **Indeed, in our collective memory, we cannot think of one instance where a judge had sentenced a person to the maximum sentence for this crime and lamented that the maximum was too low.**¹

In addition, this forty-year maximum for all assault with intent to murder charges would catapult Rhode Island from right in the middle of the pack to the top echelon in terms of the maximum sentence for this crime. Like Rhode Island's current statute, the federal system allows for a twenty-year maximum sentence for almost all attempted murder cases.² While there are states where the maximum penalty for assault with attempt to commit murder/attempted murder may be higher than our current twenty years **in some cases**, these states tend to divide the crime into various categories (*e.g.*, depending on the degree of murder attempted, the special nature of the victim, or what type of weapon was used), with the higher numbers being reserved for cases that involve aggravating circumstances or the most vulnerable of victims. In our survey of the various state statutes, we found that only a minority of states punish **all forms** of assault with intent to commit murder by a maximum of forty or more years of imprisonment.³

Moreover, like those other states, Rhode Island already takes special circumstances into consideration with statutes such as § 11-47-3.2, which adds a ten- or twenty-year *mandatory*

¹ We cannot, of course, promise that this has *never* occurred. But after a survey of our most experienced attorneys reveals that no one could recall a single incident when this happened.

² *See* 18 U.S.C. § 1113.

³ Indeed, states such as Arkansas, California, Colorado, Georgia, Idaho, Iowa, Kentucky, Massachusetts, Missouri, Nevada, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, West Virginia all have some form of assault with intent to murder that carry a lower maximum sentence than forty years in prison.

imprisonment sentence to the baseline sentence if a firearm is used in an assault with intent to commit murder case (among others). Moreover, if the defendant has been convicted of two or more felonies before being convicted of such an assault, they would be subject to an additional twenty-year (non-parolable) sentence as a habitual offender under § 12-19-21, ensuring that the most-criminal minded among us are punished appropriately.

Finally, this bill would not allow for any probationary sentence to be included as a part of the sentence for this crime. This would mean that every sentence would be considered a so-called “flat sentence,” an extremely rare situation in Rhode Island that is disfavored by judges and prosecutors as well as defense attorneys. This is because the transition from incarceration to the “outside world” can be a difficult one, with the first year after release being the most difficult. Indeed, most people who reoffend do so in the first twelve months after release.⁴ Without adequate supervision, this recidivism number would be even higher, meaning that eliminating the possibility of probation for all these crimes would actually make the community less—not more—safe.

In short, there is not an overall “ceiling” problem with the maximum sentence for assault with intent to murder cases, and there are several statutes that allow for higher sentences when the circumstances warrant it. Accordingly, the OPD respectfully urges this Committee to reject H8055.

Sincerely,
/s/ Angela M. Yingling

Angela M. Yingling
Legislative Liaison
Office of the Public Defender
401-222-1505
ayingling@ripd.org

⁴ Mariel Alper, Matthew Durose, and Joshua Markman, 2018 *Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)* U.S. DEPT. OF JUSTICE: Special Report NCJ 250975 (May 2018), available at <https://bjs.ojp.gov/content/pub/pdf/18upr9yfup0514.pdf> (last accessed April 7, 2026).