



April 9, 2026

Rep. Carol Hagan McEntee  
Chair, House Judiciary Committee  
The Statehouse  
Providence, RI 02903

**RE: House Bill No. 8055  
BY Solomon  
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS**

**{LC4891/1} (Makes assault with intent to commit murder punishable by no less than ten years and not more than forty years and the person would not be afforded the benefit of suspension or deferment of sentence or probation.)**

Dear Chairperson McEntee and Members of the House Judiciary Committee:

Thank you for this opportunity to express my thoughts on the legislation referenced here. My opposition to it is grounded in three salient points:

- **The threat of a draconian sentence such as that created by this legislation does little to deter crime.**
- **Mandatory sentences such as those created by this legislation are an unwise and ineffective.**
- **The House Judiciary Committee should obtain a Prison Impact Statement (fiscal note) before acting on this legislation.**

I. **Draconian Sentences.**

Over the course of decades high quality research has proven that the threat of a draconian sentence does little to deter crime. The research demonstrates that:

- 1) The certainty of being caught is a vastly more powerful deterrent than the punishment.
- 2) Sending an individual convicted of a crime to prison isn't a very effective way to deter crime.
- 3) Police deter crime by increasing the perception that criminals will be caught and punished.

- 4) Increasing the severity of punishment does little to deter crime. Laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes.<sup>1</sup>

## II. **Mandatory Sentences**

Mandatory sentences such as those created by this legislation that require judges to impose a fixed punishment for certain crimes, or that prohibit the imposition of a suspended or deferred sentence, are widely criticized for several structural reasons. The core issue is that they remove judicial discretion, which is essential for fair and proportionate justice. Here's why that can be a problem:

- One-size-fits-all punishment. Crimes that look similar on paper can be very different in reality. Judges normally weigh factors like intent, background, and circumstances. Mandatory sentencing ignores these differences, so:
  - A first-time offender and a repeat offender may receive the same sentence
  - Minor involvement in a crime can be punished as harshly as major involvement
  - This can lead to punishments that feel disproportionate or unjust.
  - Shifts power away from judges to prosecutors
- When judges lose discretion, prosecutors gain it:
  - Prosecutors decide what charges to file
  - Those charges often determine the mandatory sentence
  - This means outcomes can depend heavily on prosecutorial strategy (or leverage in plea bargaining), rather than a neutral judge's assessment.
- Encourages coercive plea bargains. Because mandatory sentences are often severe, defendants may feel pressured to plead guilty—even if they might have a valid defense—to avoid the risk of a much harsher penalty after trial.
- Contributes to mass incarceration. In countries like the United States, mandatory minimums—especially for drug offenses—have been a major driver of prison population growth, often without clear evidence of improved public safety.
- Disproportionate impact on marginalized groups. These laws can amplify existing inequalities:

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<sup>1</sup> A succinct compilation of this research is available at: *National Institute of Justice, Five Things About Deterrence (USDOJ-OJP-NIJ, May, 2016)*. <https://www.ojp.gov/pdffiles1/nij/247350.pdf>

- Communities already more heavily policed are more likely to face mandatory charges
- Less access to strong legal defense can worsen outcomes
- Removes individualized justice. Judges are trained to balance punishment with rehabilitation, deterrence, and fairness. Mandatory sentencing strips away that balancing role, turning sentencing into a mechanical process rather than a reasoned judgment.
- Finally, mandatory sentences are a false promise. They aim to create consistency and toughness on crime, but they often do so at the cost of fairness, proportionality, and judicial independence. A sensible argument can be made that a justice system works best when judges retain the ability to tailor sentences to the specifics of each case.<sup>2</sup>

### III. **Fiscal Impact**

Enacted in 1993, *RIGL § 42-56-39. Prison impact statement* requires that a Prison Impact Statement should be obtained prior to consideration of legislation such as this:

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. The appropriate chairperson of the house or senate committee may request a prison impact statement. Requests for these prison impact statements shall be in a form and substance that is deemed appropriate by the chairperson and shall be forwarded through the house or senate fiscal advisor to the state budget officer who shall then be responsible, in cooperation with the director of corrections, for its preparation within thirty (30) days of the request. (*emphasis added*)

Thank you again for this opportunity to express my thoughts on this significant piece of legislation.

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<sup>2</sup>

- The Case against Mandatory Minimum Sentences. Families Against Mandatory Minimums. <https://famm.org/wp-content/uploads/2021/04/The-Case-against-Mandatory-Minimum-Sentences.pdf#:~:text=%E2%80%A2%20Mandatory%20minimum%20sentences%20deny%20courts%20the,public%20less%20safe%20by%20wasting%20expensive%20prison.>
- Fact Sheet. How Mandatory Minimums Perpetuate Mass Incarceration and What to Do About It (The Sentencing Project, 2/14/24) <https://www.sentencingproject.org/app/uploads/2024/01/How-Mandatory-Minimums-Perpetuate-Mass-Incarceration-and-What-to-Do-About-It.pdf>

Respectfully Submitted,

*Michael A. DiLauro (s)*

**Michael A. DiLauro, Esq.**  
**The Just Criminal Justice Group, L.L.C.**  
**P.O. Box 7000**  
**Warwick, RI 02887-7000**  
**401-487-3644**  
**madpd2001@yahoo.com**