

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 28, 2026

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8097

**ENTITLED, AN ACT RELATING TO RELATING TO MOTOR AND OTHER VEHICLES -
- SUSPENSION OR REVOCATION OF LICENSES -- VIOLATIONS**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **strongly opposes** House Bill No. 8097, which would greatly expand the scope of R.I.G.L. § 31-11-18.1, the statute that enhances the penalties for operating a motor vehicle on a suspended license in certain circumstances—**and comes with a mandatory imprisonment sentence of ten days for a first offense and six months for a second offense. This term cannot be deferred or suspended.**

Currently, the only license suspensions that fall into this enhanced category are those that are suspended for driving under the influence, refusal of a chemical test, or manslaughter as the result of operating a motor vehicle/operating so as to endanger with death resulting. These are all criminal acts, so it makes sense that if someone were to drive after their license had been suspended for one of these reasons, they should face higher penalties. As much as the OPD is opposed to mandatory imprisonment sentences, we can at least acknowledge the nexus between the increased penalty and the criminal acts. **But the proposed bill would drastically increase the number of people subject to the higher enhanced provisions—and mandatory prison sentences—even though the acts predicating the license suspension were not necessarily criminal to begin with.**

Under this bill, this subsection would include people whose licenses have been suspended by *any* court. This could include those who had a court-ordered suspension tacked on after being charged with driving after a non-criminal suspension (such as for fees or child support). While it is obviously problematic for people to drive after their licenses have been suspended, many people of lesser means often resort to unlicensed driving as a desperate way of keeping their employment (which they need in order to earn the money to pay off their fees). Courts are allowed to tack on these additional periods of suspension in standard license suspension cases, and this bill would make these additional suspensions subject to the increased imprisonment penalties. Ultimately, this could quickly transform a civil issue into a criminal one—with all of the accompanying collateral consequences for both the drivers and their families.¹

¹ In addition, the bill would move those drivers whose licenses have been suspended for their “frequency of offenses” into this enhanced penalty subsection. As defined, this “frequency”

Even more troubling is that the bill would also ensnare those whose licenses have been suspended for physical or mental unfitness. This is a particularly worrying category because it necessarily includes those with mental health issues. This would have the unfortunate result of transforming a mental health issue into a criminal one—already a serious concern in our justice system. While we understand the motivation is to maintain the safety of the roadways, institutionalizing such people at the prison can be equally as dangerous to the community. It would prevent people from accessing the care they need, allow them to decompensate, and risk increasing their level of danger to the community. The statute’s lack of discretion could lead to unjust and draconian results in some cases, with judges having no ability to take individualized circumstances into account.

For all these reasons, the OPD strongly encourages the Committee to reconsider this bill. This section, with its increased penalties, has always been narrowly drawn to encompass only those who have committed serious driving offenses. We are very concerned about expanding this subsection—and its mandatory prison sentences—to include so many others.

Sincerely,
/s/ Angela M. Yingling

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

category contains vague language that becomes constitutionally problematic when it intersects with mandatory imprisonment. While the DMV may suspend someone’s license when its representatives feel that the driver falls into this amorphous category (*i.e.*, “committed with such frequency of offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways”), this language that becomes highly troubling when it can lead to a mandatory imprisonment sentence.