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April 30, 2026

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8463

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** H8463, which seeks to establish a new criminal offense for using force or a weapon to resist the lawful request or directive of a corrections officer. While we understand the importance of maintaining order and safety in the prison, the proposed bill is both duplicative and potentially harmful.

The conduct targeted by the bill is already subject to a comprehensive range of criminal and disciplinary measures. Because the bill would require the “use any *force* or *weapon*” (emphasis added), almost every iteration of this conducted would already run afoul of our current assault laws. Moreover, the Department of Corrections has a detailed 31-page policy governing inmate discipline, which outlines the range of consequences for prohibited conduct. These consequences include loss of privileges, disciplinary confinement, and revocation of good-time credit. Notably, the policy’s stated purpose is to “maintain[] order and further[] the rehabilitation of inmates,” which are goals that are best served by internal correctional procedures rather than expanded criminal penalties.

Further, with respect to sentenced individuals, the state already has the authority to pursue probation-violation proceedings under Rule 32(f) of the Rhode Island Superior Court Rules of Criminal Procedure for any failure to keep the peace or be of good behavior, even while a person is sentenced at the prison. This would include the conduct that this bill aims to criminalize. Thus, our office fails to see the need for creating a new criminal offense, when adequate measures to deter this conduct are already in place.

Beyond being duplicative and unnecessary, the bill raises broader concerns. In addition to undermining the goal of rehabilitation, escalating routine compliance issues into criminal matters could result in prolonged incarceration, which would contribute to our existing mass incarceration problem and would place additional burdens on the judicial system.

For all of these reasons, the Office of the Public Defender respectfully urges the Committee to reject H8463. The tools to maintain order already exist. What is needed is not more criminalization, but a continued focus on policies that prioritize safety, fairness, and rehabilitation.

Sincerely,

/s/ Angela M. Yingling

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