

March 21, 2024

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER (OPD) REGARDING:

House Bill No. 7630

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES –
ACCIDENTS AND ACCIDENT REPORTS**

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender opposes H7630, which would increase the maximum penalties for certain driving offenses which result in death or serious bodily injury. While recognizing the importance of addressing the serious consequences of impaired and dangerous driving, the proposed legislation, if enacted, would lead to Rhode Island having one of the highest maximum penalties for these offenses in the country.

Specifically, this bill proposes doubling the maximum penalty for DUI-related deaths from 15 years to 30 years of incarceration, ranking Rhode Island as having the second-harsh penalty in this regard¹. It's noteworthy that the majority of states (31) either have penalties equivalent to or lower than Rhode Island's current law, with the most common penalty for DUI-related deaths ranging between 10 to 15 years of incarceration. Importantly, states with higher penalties typically have higher rates of DUI-related fatalities than Rhode Island².

Similarly, the bill seeks to increase the maximum sentence for DUI resulting in serious bodily injury from 10 years to 15 years of incarceration, placing Rhode Island as the third highest in terms of penalties for such offenses³. Once again, most states (36) either match or have lower penalties than Rhode Island's current law, with the most common penalty being less than 10 years of incarceration (24 states).

This trend persists across all other provisions of increased penalties outlined in the bill. Overall, Rhode Island's penalties for driving-related offenses are generally in line with those of other states, often at the higher end of the average penalty spectrum.

Research indicates that excessively severe penalties may not necessarily deter individuals from committing offenses and could potentially lead to negative outcomes such as increased resistance to rehabilitation efforts and exacerbation of issues related to over-incarceration. The OPD firmly believes that a more comprehensive approach, involving increased education, detection, prevention programs, and rehabilitation services, would be more effective in reducing incidents of DUI and dangerous driving.

In conclusion, while we share the goal of addressing the serious implications of impaired and dangerous driving, we urge careful consideration of alternative strategies that prioritize

¹ Alaska, Nevada, and Washington have penalties up to life; Louisiana, Montana, and Tennessee are tied for 2nd highest at 30 years.

² <https://www.responsibility.org/alcohol-statistics/state-map/>

³ Mississippi has the highest penalty of 25 years, followed by Alabama, Nevada, and Oklahoma with a maximum of 20 years.

education, prevention, detection, and rehabilitation over excessively punitive measures. Thank you for your attention to this matter.

Sincerely,

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