



OFFICE OF MANAGEMENT & BUDGET

State Budget Office

One Capitol Hill
Providence, RI 02908-5890

Office: (401) 222-6300
Fax: (401) 222-6410

MEMORANDUM

To: The Honorable Robert E. Craven, Sr., Chairman, House Judiciary Committee

From: Joseph Codega Jr., Budget Officer *Joseph M. Codega Jr.*

Date: April 5, 2024

Subject: Prison Impact Statement for 2024-H-7630

R.I. Gen. Laws §42-56-39 requires that the State Budget Officer, upon request of the appropriate chairperson of the House or Senate committee, provide a brief explanatory note known as a "Prison Impact Statement" describing the estimated impact of an act, bill, or resolution that establishes or extends "a mandatory minimum term of imprisonment which is not subject to suspension, probation or parole...". Pursuant to §42-56-39, this statement is limited to the areas specified below *within the Department of Corrections* and is reported for the current fiscal year and the next two succeeding fiscal years.

Submission of this Prison Impact Statement for House Bill 2024-H-7630 demonstrates compliance with R.I. Gen. Laws §42-56-39 and your request.

Brief Description of Act, Bill, or Resolution

This bill modifies penalty ranges (for both imprisonment penalties and license revocations) for several driving offenses that result in serious bodily injury or death. Rhode Island General Laws (R.I.G.L.) §§ 31-26-1, 31-27-1, 31-27-1.1, 31-27-2.2, and 31-27-2.6 are all modified by the proposed bill.

Section 1.

R.I.G.L. § 31-26-1

This statute is titled "Duty to stop in accidents resulting in personal injury." Per statute, drivers involved in one of these incidents are required to stop at the scene of the accident and give information or render aid in accordance with R.I.G.L. § 31-26-3.

The bill modifies language in subsection (c) to increase the maximum penalty for failing to meet these requirements in case of a personal injury from ten (10) to fifteen (15) years of imprisonment and increases license revocation from up to two (2) years to between two (2) years and ten (10) years. The minimum imprisonment penalty of one (1) year is unchanged. The stipulation for increased penalty for a second offense is removed.

The bill modifies language in subsection (d) to increase the maximum penalty for failing to meet the requirements of R.I.G.L. §§ 31-26-1 and 31-26-3 in the case of a death occurring. It increases the maximum imprisonment penalty of fifteen (15) years to thirty (30) years and the minimum imprisonment penalty of two (2) years is changed to five (5) years. It also increases license revocation from three (3) years to between five (5) years and permanently. The stipulation for increased penalty for a second offense is removed. Language is included to add pedestrians to the applicable parties for this statute.

Section 2.

R.I.G.L. § 31-27-1

This statute is titled "Driving so as to endanger, resulting in death." Per statute, when the death of a person occurs as a proximate result of reckless vehicle operation (to include street racing as defined in R.I.G.L. § 31-27-22) the offender shall be considered guilty of "driving so as to endanger, resulting in death."

The bill modifies language in statute to increase the maximum penalty for the offense from ten (10) to thirty (30) years of imprisonment and increases license revocation from up to five (5) years to between five (5) years and permanent. Per the bill, non-permanent license reinstatement shall only occur when satisfactory evidence of responsibility is given to the Administrator of the Division of Motor Vehicles.

R.I.G.L. § 31-27-1.1

This statute is titled "Driving so as to endanger, resulting in serious personal injury." The bill would retitle this section "Driving so as to endanger, resulting in serious personal bodily injury." Per statute, when serious injury to a person occurs as a proximate result of reckless vehicle operation (to include street racing as defined in R.I.G.L. § 31-27-22) the offender shall be considered guilty of "driving so as to endanger, resulting in serious bodily injury."

The bill modifies language in statute to increase the maximum penalty for the offense from five (5) to fifteen (15) years of imprisonment and increases license revocation from up to three (3) years to between two (2) and ten (10) years.

R.I.G.L. § 31-27-2.2

This statute is titled "Driving under the influence of liquor or drugs, resulting in death." Per statute, when the death of a person occurs as a proximate result of an offender operating a vehicle under the influence of alcohol, toluene, or controlled substances defined in R.I.G.L. Title 21, Chapter 28, the offender shall be considered guilty of "driving under the influence of liquor or drugs, resulting in death."

The bill modifies language in statute to increase the maximum penalty for the offense from fifteen (15) to thirty (30) years of imprisonment and increases license revocation from five (5) years to between five (5) years and permanent. Per the bill, non-permanent license reinstatement shall only occur when satisfactory evidence of responsibility is given to the

Administrator of the Division of Motor Vehicles. The stipulation for increased penalty for a second offense is removed.

R.I.G.L. § 31-27-2.6

This statute is titled “Driving under the influence of liquor or drugs, resulting in serious bodily injury.” Per statute, when the death of a person occurs as a proximate result of an offender operating a vehicle under the influence of alcohol, toluene, or controlled substances defined in R.I.G.L. Title 21, Chapter 28, the offender shall be considered guilty of ““driving under the influence of liquor or drugs, resulting in serious bodily injury.”

The bill modifies language in statute to increase the maximum penalty for the offense from up to ten (10) to up to fifteen (15) years of imprisonment and increases license revocation from up to two (2) years to between two (2) years and ten (10) years. The stipulation for increased penalty for a second offense is removed.

Section 3.

This bill will take effect upon passage.

Summary of Prison Impact

Enactment of this bill is assumed on or around June 30, 2024. As such, there are no estimated fiscal or operational impacts on the Department of Corrections for FY 2024. Further, the imprisonment time alterations typically affect the maximum sentences, with one alteration in Section 1 (R.I.G.L. § 31-26-1) affecting the minimum sentence. The sole minimum sentence change adjusts the minimum amount of imprisonment time to “at least two (2) years,” putting the impact outside the timeframe of this impact statement. The maximum sentences have a low end in Sections 1 and 2 of fifteen (15) years, again putting the impact outside the timeframe of this note. Any changes that occur in FY 2025 as a result of enactment of this bill at the end of FY 2024 would impact FY 2027 and beyond.

Note: The Department of Corrections estimates an aggregate annualized *per diem* cost of \$213,850 in total for the population of 25 inmates currently serving sentences for the offenses referenced in this legislation. The proposed legislation increases sentencing ranges for listed offenses between 1.5x and 3.0x of their current levels and has the potential to have a proportional impact on the inmate population and per diem costs. Considering that this legislation in all but one instance modifies only the maximum sentencing range, the impact of this bill will be subject to judicial sentencing discretion. It should be noted that the annualized per diem cost excludes additional programming such as education and correctional industries. It also does not account for possible changes in mods at the various facilities.

Impact on Revenues (in \$)

FY 2024: N/A

FY 2025: N/A

FY 2026: N/A

Impact on Expenditures (in \$)

FY 2024: \$0

FY 2025: \$0

FY 2026: \$0

Impact on Additional Bed Space

FY 2024: None

FY 2025: None

FY 2026: None

Impact on Additional Staffing and/or Program Requirements

FY 2024: None

FY 2025: None

FY 2026: None

If you have any questions regarding this prison impact statement, please feel free to call me at 222-6300.

JC:24-PIS-2

cc: The Honorable Marvin L. Abney, Chairman, House Finance Committee
Sharon Reynolds Ferland, House Fiscal Advisor
Brian Daniels, Director of Management and Budget
Wayne Salisbury, Acting Director of Corrections