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Owner/Manager

## TESTIMONY SUBMITTED IN OPPOSITION TO 2024—H 7744

**This legislation expands the applicability of pre-existing mandatory minimum sentences (specifically that no jail sentence provided for under this section can be suspended) to additional criminal offenses. Arguments against mandatory minimum sentences or otherwise interfering with the exercise of judicial discretion as this bill does, interferes with and, in some cases, eliminates entirely, the court's ability to fashion an appropriate sentence in a criminal case include the following:**

- Restricting a judges' ability to consider the specific circumstances of a case and the individual involved can lead to unjust outcomes, as judges cannot tailor sentences to fit the unique factors of each case.
- Disproportionately harsh sentences can result, especially for non-violent offenses or first-time offenders. This undermines the principles of fairness and proportionality in the criminal justice system.
- Tying a judge's hands can result in a sentence that emphasizes punishment and incarceration over rehabilitation without addressing underlying issues such as addiction or mental health issues. As a result, the root causes of criminal behavior are left unaddressed and can perpetuate cycles of crime and incarceration.
- Sentencing schemes like those created here have been criticized for contributing to racial disparities in the criminal justice system that disproportionately affect minority communities, leading to higher rates of incarceration among people of color.
- Such sentencing schemes contribute to overcrowding in prisons and increased costs for taxpayers resulting in an inefficient use of resources. In contrast the availability of alternative sentencing approaches, such as diversion programs or probation, when available via the exercise of judicial discretion, may be more effective and cost-efficient.
- Judges are legal experts who are trained to weigh evidence, consider legal principles, and make informed decisions. Limiting their discretion in sentencing undermines their expertise and may result in less effective and fair outcomes.
- Judicial discretion allows judges to impose sentences that prioritize rehabilitation and reintegration into society, rather than simply focusing on punishment. This approach can

help offenders address underlying issues such as addiction or mental health problems and reduce the likelihood of reoffending.

- Judicial discretion also serves as a check on potential injustices that may arise from rigid sentencing laws or mandatory minimums. Allowing judges to exercise discretion ensures that the criminal justice system remains flexible and responsive to evolving societal norms and values.

**QUESTIONS? COMMENTS? CONCERNS?**

**Please Contact:**

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