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April 30, 2024

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

House Bill No. 7050

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEXUAL ASSAULT -- SHERRY'S LAW.

Chairman Craven and Members of the Judiciary Committee:

The OPD strongly opposes H7050, which will increase the mandatory minimum sentence for the enumerated offense. A first-degree sexual assault conviction already carries a number of serious collateral consequences for an offender. These include the lifetime GPS monitoring, lifetime sex offender registration, and limitations on employment and residence.

The OPD has consistently supported legislation that enhances judicial discretion in sentencing while opposing legislation, such as this, that inhibits a judge's ability to fashion an appropriate sentence based upon the defendant's background and the unique facts and circumstances of the case before them. This legislation does the latter by requiring a mandatory ten (10) year sentence to be served.

Mandatory minimum sentences limit judges' ability to consider the circumstances of each individual case, potentially resulting in disproportionate sentences, which has resulted in our current mass incarceration problem. Moreover, such sentencing schemes shift discretion away from judges towards law enforcement and prosecutors. Additionally, they incentivize offenders to contest charges, leading to increased court caseloads and strain on defense services. Despite these consequences, widespread evidence shows that mandatory minimum sentences produce no overall benefit to crime control.¹

For these reasons, the OPD strongly opposes H7050.

Sincerely,



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¹ National Research Council. (2014). The Growth of Incarceration in the United States: Exploring Causes and Consequences. Committee on Causes and Consequences of High Rates of Incarceration, J. Travis, B. Western, and S. Redburn, Editors. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. The National Academies Press.
<https://doi.org/10.17226/18613>.