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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 5638

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 HB5638, 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, with no data to suggest that higher prison sentences would deter people from driving under the influence. On the contrary, there has been research that indicates that jail policies have very little deterrent effect.¹ It is noteworthy that many states either have penalties that are either 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 Island.²

Similarly, the bill seeks to increase the maximum sentence for DUI resulting in serious bodily injury from 10 years to 15 years of incarceration, again with no data to suggest that such a change would have a deterrent effect on the behavior it seeks to curb. A 2022 State of Drunk Driving Fatalities Report showed that Rhode Island is one of only a few states where alcohol-impaired driving fatalities per 100,000 population have decreased over a 10-year period.³

There can be no question that the crimes that this HB5638 aims to target are extremely serious and warrant punishment. However, the Office of the Public Defender firmly believes that a more comprehensive approach, involving increased education, detection, prevention programs,

¹ See Wagenaar, A.C., "General Deterrence Effects of U.S. Statutory DUI Fine and Jail Penalties: Long-Term Follow-Up in 32 States," *Accid Anal Prev* 2007;39(5):982-994. doi:10.1016/j.aap.2007.01.003.

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

³ See *id.*

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

Sincerely,



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Legislative Liaison

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