

OFFICE OF THE PUBLIC DEFENDER

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April 1, 2025

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No: 5502

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- GENERAL PROVISIONS

Chairman Craven and Members of the House Judiciary Committee

The Office of the Public Defender supports HB5502, a bill that redefines the terms misdemeanor and felony in Rhode Island in slight but important ways. First, the redefinition of misdemeanor to change the maximum prison sentence from 365 days to 364 addresses an issue caused by the intersection of state and federal law. Under our current definition of misdemeanor, a single conviction of certain minor offenses would trigger unintended and unduly harsh consequences under federal immigration law for noncitizen Rhode Islanders, including those who are lawful permanent residents.

For example, because the crime of shoplifting carries the *potential* of a one-year prison sentence, a noncitizen convicted of taking a loaf of bread would be deportable under federal law, even if that individual is not sentenced to a year—or even a day—in prison. If the maximum prison sentence is changed by one day as proposed in HB5502, a single conviction of that offense will no longer trigger deportation proceedings.

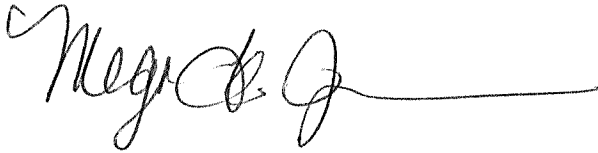
The proposed change in the law would not shield those who commit certain other types of offenses—such as crimes of domestic violence—from federal immigration consequences, regardless of whether it is a single conviction. Additionally, with respect to crimes of moral turpitude, convictions of multiple misdemeanors or a single felony will continue to trigger immigration consequences under federal law.

HB5502 could also positively impact the efficiency of our criminal justice system, by streamlining the plea negotiation process for prosecutors and defense attorneys. Under the current definition of misdemeanor, a noncitizen cannot enter a plea to an offense such as shoplifting without fearing deportation, which means protracted negotiations and ultimately a trial calendar clogged with cases that could otherwise have pled out. This legislation offers a more just and equitable approach to sentencing for misdemeanor offenses.

Finally, by removing from the definition of felony those crimes which are punishable by a fine only, HB5502 protects Rhode Islanders from the many collateral consequences that non-violent offenders would unfairly experience after being labeled as convicted felons.

The Office of the Public Defender fully supports this bill as a positive step toward achieving greater fairness in our state's legal framework and recommends its passage.

Sincerely,

A handwritten signature in black ink, appearing to read "Megan F. Jackson", followed by a long horizontal line extending to the right.

Megan F. Jackson
Legislative Liaison
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