



RHODE ISLAND SUPREME COURT

Office of General Counsel

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April 3, 2025

Via Electronic Mail (HouseJudiciary@rilegislature.gov)

Chairman Robert E. Craven, Sr.

House Committee on the Judiciary

Rhode Island State House

House Lounge

Providence, Rhode Island 02903

**Re: House Bill #5362: An Act Relating to Criminal Procedure – Sentencing
Reconsideration Act**

Dear Chairman Craven:

I write on behalf of the Rhode Island Judiciary to respectfully express the Judiciary's concerns regarding House Bill # 5362, scheduled to be heard and considered this evening before the House Judiciary Committee.

This proposed legislation would permit eligible incarcerated defendants¹ to file a motion for sentencing reconsideration in the Superior Court. Once filed, the court "shall hold a meaningful hearing" which would include witness testimony, the presentation of evidence, and supporting oral arguments. If an incarcerated defendant is indigent they "shall be entitled to be represented by court appointed counsel" and would be permitted, as deemed appropriate by the court, "to be provided with stenographic printing and other costs necessary to proceed under this chapter." The Judiciary seeks to illuminate for your Committee the likely financial, logistical, and staffing implications associated with the passage of this bill.

Pursuant to data collected by the Rhode Island Department of Corrections ("Department of Corrections") on March 13, 2025, the Department of Corrections currently houses 1,537 incarcerated individuals.² Of those incarcerated:

¹ The proposed legislation excludes incarcerated defendants who have a sentence of life without parole or mandatory sentences of incarceration.

² Please note that only those inmates incarcerated at the Rhode Island Department of Corrections facilities, including those from out-of-state, are encompassed in the above statical data. Incarcerated individuals serving their sentences in out-of-state facilities, at mental health hospitals, or on home confinement are excluded.

- 250 (16%) were serving a total sentence length of 10 years or more;
- 119 (8%) were serving a total sentence length of 20 years or more;
- 127 (8%) were serving a total sentence length of 30 years or more (excluding those serving life or life without parole);
- 203 (13%) were serving a life sentence; and
- 25 (2%) were serving a sentence of life without parole.

Therefore, under this proposed legislation approximately 699 incarcerated defendants,³ or over forty percent (40%) of all sentenced offenders, could immediately seek redress upon passage.⁴ An influx of such cases, coupled with the requirement of holding a “meaningful hearing” for each, would require a significant financial investment and would raise logistical, and staffing challenges for the Judiciary in general and the Superior Court in particular, which would have to be addressed through the provision of resources in the state budget. Of particular note in this regard is the mandate in the proposed bill that the Judiciary provide court appointed counsel to all indigent applicants for resentencing consideration. While the number of indigent inmates is unknown, it is likely a large number given their period of incarceration and limited ability to garner assets while incarcerated.

The Judiciary’s FY25 budget for indigent defense, which covers the cost of court appointed counsel, is \$7,875,432. This amount is also recommended for the 2026 fiscal year. According to the attached fiscal impact statement, to accommodate the increase in cases and court appointment work that would be required as part of this proposed legislation, an additional \$8.9 million in funding would be needed for the upcoming fiscal year. Currently, the proposed legislation lacks a funding mechanism to support these increased costs and is silent as to funding for the additional expenses associated with such ancillary mandates as providing “stenographic printing, and [covering the] other costs necessary to proceed under this chapter.”

I ask the House Judiciary Committee to carefully consider the potential impact of House Bill # 5362 and to ensure that appropriate resources are allocated to the Judiciary to carry out the requirements of this law, should it pass.

Thank you for the opportunity to express the Judiciary’s concerns regarding this bill.

Sincerely,



Chrisanne Wyrzykowski
Deputy General Counsel
Rhode Island Supreme Court

³ The proposed legislation excludes incarcerated defendants who have a sentence of life without parole or mandatory sentences of incarceration.

⁴ At present, it is unclear the number of incarcerated offenders who are subjected to mandatory sentences of incarceration.



TO: Darlene Walsh, Director of Finance & Budget; Chrisanne Wyrzykowski, Deputy General Counsel

FROM: Edward J Cooney, Jr., Executive Director

RE: 2025-H 5362

DATE: April 3, 2025

The proposed legislation includes allows for individuals serving lengthy sentences of imprisonment to seek a sentence reduction from Superior Court, after ten years of the date of imprisonment. Individuals currently serving life without parole or mandatory sentences accordance with law, are not eligible to participate in this program. Individuals who are denied a modification may not file a successive motion for reconsideration for at least five years from the date the motion was denied in Superior Court.

The proposed legislation also allows for individuals seeking a review of final judgement, can do so by filing a petition for writ of certiorari in accordance with the Supreme Court rules of appellate procedure within 60 days of the entry of final judgement.

The proposed legislation would take effect upon passage.

Fiscal Impact

The passage of this legislation will create additional post-conviction relief cases to be adjudicated in the Rhode Island Superior Court. The figures below are based upon each of the 699 individuals currently service sentences at the State of Rhode Island Department of Corrections facilities who could potentially be eligible to participate in this program. For the purposes of this fiscal note, staff used the current indigent defense hourly rates, \$100 per hour, and case threshold, \$7,500 per case, amounts for cases that appear in the post-conviction relief panel.

Sentence	Number of Individuals	Superior Court Threshold Amount	Fiscal Impact
10 Years or More	250	\$ 7,500.00	\$ 1,875,000.00
20 Years or More	119	\$ 7,500.00	892,500.00
30 Years or More	127	\$ 7,500.00	952,500.00
Life Sentence	203	\$ 7,500.00	1,522,500.00
Total	699		\$ 5,242,500.00

The proposed legislation also allows for individuals seeking a review of final judgement, can do so by filing a petition for writ of certiorari in accordance with the Supreme Court rules of appellate procedure within 60 days of the entry of final judgement. For the purposes of this fiscal note, staff also used the current indigent defense hourly rates, \$85 per hour, and case threshold, \$5,200 per case, amounts for cases that appear before the Supreme Court post-conviction relief panel.

Sentence	Number of Individuals	Supreme Court Threshold Amount	Fiscal Impact
10 Years or More	250	\$ 5,200.00	\$ 1,300,000.00
20 Years or More	119	\$ 5,200.00	618,800.00
30 Years or More	127	\$ 5,200.00	660,400.00
Life Sentence	203	\$ 5,200.00	1,055,600.00
Total	699		\$ 3,634,800.00

The total possible fiscal impact of this legislation is \$8.9 million.

Please note the number of individuals in the table above are representative of data provide by the Department of Corrections. This also only includes those currently sentenced in Corrections facilities and does not include individuals serving out-of-state, at the Institute of Mental Health or on home confinement. This data does include individuals who are serving in Rhode Island Department of Corrections facilities who may be classified as “out-of-state”.