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April 3, 2025



Representative Robert E. Craven, Sr., Chairman
House Judiciary Committee
The Statehouse, Room 205
Providence, RI 02903

Re: House Bill #2025 – 5362
Sentencing Reconsideration Act
HEARING DATE – Thursday, April 3, 2025

Dear Chairman Craven and Members of the House Judiciary Committee,

The Rhode Island Association of Criminal Defense Lawyers (RIACDL)¹ writes to express our strong support for House Bill 2025-5362, which proposes a much-needed avenue for sentencing reconsideration after a prolonged period of incarceration. This legislation represents a critical step in addressing a long-standing gap in our justice system, ensuring that our sentencing laws reflect both fairness and modern understandings of rehabilitation.

First and foremost, *our justice system currently lacks a mechanism to meaningfully reassess long sentences*, even in cases where an individual has undergone profound rehabilitation. Sentencing decisions are made at a fixed point in time, often based on the circumstances and societal views that existed when the crime was committed. However, these sentences do not account for the personal growth and transformation that can take place over decades of incarceration. Some individuals rise to the challenge of incarceration, and take full advantage of educational opportunities, vocational training, and rehabilitative programs, demonstrating deep remorse and a genuine readiness to reintegrate into society. Despite these extraordinary efforts, our current legal structure does not provide a *realistic* avenue for courts to reevaluate whether continued incarceration remains necessary. Simply stated, our present review period of 120 days is wholly insufficient to demonstrate true rehabilitation.

¹ RIACDL is an affiliate organization of the National Association of Criminal Defense Lawyers (NACDL). RIACDL was founded in 1988 by the late Richard M. Casparian, former Public Defender for the State of Rhode Island from 1988 until his death in 1997. RIACDL's mission includes, "working toward achieving justice and dignity... for persons accused of crime and the criminal justice system, and to influence the criminal law for the betterment of the criminal justice system...." RIACDL is registered with the Rhode Island Secretary of State's Office as a nonprofit organization.

This bill corrects that deficiency by offering a structured, fair, and responsible process for judges to reconsider sentences where justice demands it, ensuring that the punishment remains proportional to the individual's present-day circumstances and not just their past actions.

Second, ***extensive social science research and progressive criminal justice principles support the reconsideration of sentences based on rehabilitation.*** Numerous studies indicate that many incarcerated individuals, particularly those who have served long sentences, experience significant personal growth and transformation. Behavioral research underscores the fact that people can change, particularly after decades of incarceration, where individuals have had the opportunity to engage in education, vocational training, and rehabilitative programs. The justice system should recognize these realities and provide a pathway for reviewing whether continued incarceration serves any legitimate penological purpose. By allowing for judicial reconsideration, this bill aligns sentencing practices with evidence-based corrections policies that emphasize rehabilitation, rather than indefinite punishment.

Importantly, ***this legislation is a necessity because of roadblocks that currently exist within our legal framework.*** At present, even if an individual can get around the 120-day time limit to file a Motion to Reduce Sentence set by Court Rule 35 (for example, by filing and then continuing the motion for years), Rhode Island General Laws §12-19-10 prohibits a judge from suspending a term of incarceration on a sentence once begun. Individuals who would otherwise be strong candidates for sentence reconsideration find themselves without a viable legal avenue. This bill fills that void by creating a clear, statutory mechanism that enables judges—those best situated to make informed sentencing decisions—to assess whether continued incarceration is justified on a case-by-case basis.

We also wish to note that ***this Bill seems to have been crafted with great care to address all concerns raised during last year's hearings*** before this Committee. One of the expressed apprehensions was whether a sentencing reconsideration procedure would effectively release individuals not properly suited for such relief. The proposed bill alleviates these concerns by establishing clear procedural safeguards, an appropriately high evidentiary threshold, and a detailed set of factors that courts must consider when making a determination. This statutory framework ensures that the reconsideration process remains exceptional, rather than routine, and is reserved only for cases where the interests of justice truly warrant relief. Furthermore, the procedural safeguards in place prevent frivolous petitions and ensure that judicial resources are used efficiently and effectively.

Lastly, ***it is important to highlight the critical role that judges play in this process.*** The judiciary has long been entrusted with making complex sentencing determinations, and this bill rightfully places confidence in their ability to assess cases with the seriousness and discretion required. Judges are uniquely positioned to weigh evidence, consider testimony, and balance competing interests. The structured discretion afforded to them under this bill ensures that each decision is made with careful deliberation, upholding both judicial integrity and public safety.

In sum, this legislation represents a carefully designed and urgently needed reform. It addresses a crucial gap in our justice system, aligns with contemporary understandings of rehabilitation, and creates a process that is both fair and pragmatic. The bill's structure ensures that ***relief is granted only in extraordinary cases***, and it empowers judges—the very individuals our legal system entrusts with sentencing decisions—to make these determinations. We urge the committee to support this Bill.

Thank you for your time and consideration. RIACDL expresses his continued appreciation to the Committee's ongoing commitment to thoughtful criminal justice reform. Enacting this important legislation would be a step toward a more just and balanced system – one that recognizes the potential for redemption while maintaining the integrity of judicial discretion.

Sincerely,

Kara Hoopis Manosh,
RIACDL President