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ACLU OF RI POSITION: OPPOSE

TESTIMONY IN OPPOSITION TO 23-H 5112, 23-H 5699, and 23-H 6028, BILLS INCREASING THE PENALTIES FOR MOTOR VEHICLE OFFENSES March 22, 2023

H-5112 would double several penalties for the offenses of driving so as to endanger, resulting in death; driving under the influence of liquor or drugs, resulting in death; and driving under the influence of liquor or drugs, resulting in serious bodily injury. H-5699 and H-6028 would increase the penalties for leaving the scene of an accident resulting in serious injury or death.

These are obviously very serious crimes and involve conduct that deserves to be punished. But the focus of these bills – sending people to prison for longer periods of time and imposing steeper fines on offenders – is simply not the answer. This approach will not deter reckless driving, nor will it assist in the rehabilitation of offenders. Instead, it will divert limited fiscal resources away from approaches that would better address this driving behavior. Further, by failing to present any fact-based evidence that these increased penalties will have any deterrent effect, the bills are antithetical to the “justice reinvestment” approach that the General Assembly has embraced in recent years.

As you have heard from the ACLU and the Public Defender over the years, there is a significant cost to the state in regularly, and somewhat arbitrarily, increasing the sentences for various crimes without considering their fiscal impact. Outside the criminal context, the financial costs of any bill are thoroughly scrutinized, and the time has long since gone for “get tough on crime” legislation to get a free pass. In the past few years, we have issued reports documenting the adverse fiscal, social and policy impact from the continued passage of legislation increasing prison sentences for crimes without any underlying evidence-based rationale. We urge the committee to examine the information contained in those reports before passing legislation like this.

Without minimizing the severity of the offenses, if just *one* person spends an extra 10 years in prison because of the increased penalties contained in these bills, it will cost the taxpayers approximately half-a-million dollars. Is this the best way to spend limited resources? Half a million dollars could be much better spent on prevention and treatment than on the upkeep of a prison cell.

In short, strong penalties are already in place for these crimes, and without in any way denigrating the seriousness of the offenses, we urge the Committee to be “smart on crime” and reject these bills.