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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 23-H 5149 and 23-H 6139, RELATING TO HOMICIDE/ AND RELATING TO THE SECOND LOOK SENTENCING ACT April 4, 2023

The ACLU of Rhode Island strongly supports these bills, one of which would eliminate the criminal sentence of “life without parole” in Rhode Island (H-5149) and the other which would allow individuals serving long sentences to request a “second look” and reduction of their sentence after serving ten years (H-6139).

Obviously, people who commit heinous crimes and represent a danger to society deserve punishment. However, the overwhelming number of offenders, including violent offenders, “age out” of the impulsive actions that often have prompted their commission of the crime at a young age for which they are serving time. Imposing life without parole robs individuals of any rehabilitative hope, one of the purported goals of incarceration. Perhaps most importantly from the state’s – and the taxpayer’s – point of view, it is extraordinarily wasteful in terms of public resources and dollars.

The legislative findings that are spelled out in the “second look sentencing” bill cannot be disputed: lengthy prison sentences are often counter-productive, extremely expensive to the taxpaying public, harmful to families, and undermine rehabilitation. In addition, there is a clear discriminatory impact to lengthy sentencing. For example, according to The Sentencing Project report, an incredible 59% of the people at the ACI serving life sentences are Black or Latino.

Prisons across the country, including the ACI, are fast becoming geriatric facilities. Last year, in partial recognition of this problem, the General Assembly approved amendments to the state’s “medical parole” statute to address the geriatric consequences of long sentences. The Sentencing Project has noted that over 30% of the ACI’s population consists of people who are 55 years of age and older. Prison facilities do not have the means or capability to serve the medical needs of elderly prisoners, and the public is not served in any way by keeping people locked up for decades – and even in some cases for the last years of life – when they clearly represent no threat to society and have just as clearly “served their time.”

It is important to emphasize that eliminating “life without parole” does not mean an offender cannot be kept in prison for life. Instead, it will remain up to the parole board to determine – based on a variety of relevant factors – whether the state’s interests in public safety, rehabilitation and retribution are met after decades of serving time in prison and warrant release before the individual is left to die there. That is where the decision should belong. So too with the “second chance” bill, which leaves to the discretion of the court whether to consider a reduction of sentence based on an examination of a variety of factors. But to close the door on any opportunity whatsoever for parole – even after a person has served 30, 40 or 50 years in prison – is short-sighted, extremely cruel and wasteful. The ACLU therefore urges the committee’s support for these two bills.