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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 23-H 5388, AN ACT RELATING TO GENERAL ASSEMBLY -- FISCAL NOTES April 27, 2023

The ACLU of Rhode Island strongly supports this legislation. This bill would require the issuance of prison impact statements when considering legislation that would create new prison sentences or increase sentences for existing crimes. The bill recognizes that it is extremely poor policy to pass criminal laws with potentially severe fiscal (not to mention social) consequences while turning a blind eye to that financial impact.

The General Assembly routinely subjects to strict scrutiny all forms of social services-related legislation that impact the state's finances, whether it involves efforts to house the poor, provide greater educational opportunities, or promote economic justice. Yet legislation increasing prison sentences is given a fiscal "free ride" that all this other legislation is not. But from a fiscal perspective, a bill increasing prison sentences is no different. If it costs approximately \$40,000 a year to incarcerate a person at the ACI, a new sentencing enhancement law used against just five offenders to add five years to their prison sentences means an extra \$1 million spent on corrections – money that cannot be spent on more useful preventive methods or other pressing social needs.

In short, there is no reason for criminal sentencing legislation – which can add millions of dollars to the state budget – to be considered without a fiscal note. A dozen or so states currently have laws or policies in place to address this issue through the requirement of "prison impact statements." For many years, Rhode Island has had a partial one in place – establishing a process for the use of impact statements for bills proposing mandatory minimum sentences – so this concept is not new. However, we believe that *all* criminal sentencing laws deserve a transparent consideration of their fiscal costs.

We therefore urge the Committee to continue its efforts at justice reinvestment and criminal justice reform by enacting this modest but important measure.