



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 23 – H 5905, RELATING TO POST-CONVICTION RELIEF March 9, 2023

The ACLU of Rhode Island strenuously opposes this legislation, which would generally establish a one-year statute of limitations for the filing of post-conviction relief petitions.

An avenue for individuals to seek relief in the courts is absolutely essential to ensure justice. Yet this very short statute of limitations would affect some of the most vulnerable individuals with the least resources – incarcerated people who do not have an attorney or access to one who could point out the possible grounds they may have for seeking post-conviction relief in the first place.

As we have seen play out at the federal level, this statute of limitations will create manifest injustices, denying individuals with legitimate constitutional and statutory claims for relief unable to vindicate them. The end result will be the continued unjust incarceration of individuals in some instances – including those who may be trying to prove that they were wrongfully convicted – because of their inability to seek judicial relief.

Article I, Section 5 of Rhode Island’s Declaration of Rights forthrightly declares that: “Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be received in one’s person, property, or character.” Passage of this bill would undermine that lofty goal, and we therefore strongly urge the committee to reject this legislation.