



STATE OF RHODE ISLAND
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April 4, 2023

The Honorable Robert E. Craven, Sr.
Chairman
House Committee on Judiciary
State House, House Lounge
Providence, RI 02903

Re: HB 5149 - Abolishment of Penalty of Life Without Parole

Dear Chairman Craven and Members of the House Judiciary Committee:

As Attorney General, I have supported and continue to support legislation and other initiatives that would reform our criminal justice system. I write, however, with concerns about HB 5149 as it is currently written.

The legislation would remove the penalty of life imprisonment without parole from several state laws addressing serious violent crimes, such as first-degree murder (R.I. Gen. Laws § 11-23-2), murder of a kidnapped child (R.I. Gen. Laws § 11-23-2.1), carjacking resulting in murder (R.I. Gen. Laws § 11-39-2), and a third or subsequent conviction of use of a firearm when committing a crime of violence (R.I. Gen. Laws § 11-47-3.2). Importantly, the proposed legislation would also apply retroactively; that is, the bill would also allow for those currently incarcerated and serving such a sentence to become eligible for parole. While I appreciate the policy considerations that motivate sentencing reform efforts, this legislation would deprive this Office, a jury, and the Court from considering and imposing an appropriate sentence on the most violent offenders in the state who have committed heinous crimes.

It is important to recognize that, since the late eighties, the court has imposed a life without parole sentence only thirty-three times. These cases typically involve particularly heinous crimes such as the murder of an entire family or the murder and sexual assault of young children or elderly victims. In such cases, not only does a sentence of life without parole constitute just punishment, but it also spares the victims' families from being re-traumatized in the parole process, and it protects the public from future crimes by the defendant.

The law, as it currently stands, contains important guardrails ensuring that this penalty is only rarely sought and imposed. First, as already mentioned, it is only available in a handful of extremely serious offenses. Second, the law requires the Attorney General to file notice indicating an intention to seek such a penalty early in the case. Third, the law requires that the fact-finder (a judge or a jury) find that at least one of the circumstances enumerated in §§ 11-23-2 or -2.1 are present before such a penalty is imposed. Fourth, the law provides for a pre-sentence hearing where evidence can be presented including aggravating and mitigating circumstances. Fifth, and perhaps most importantly, the law affords the court discretion to impose life or life without parole. Finally, the defendant is permitted to appeal such a sentence

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to the Supreme Court, which also has the discretion to ratify the sentence or reduce it to life.
See, R.I. Gen. Laws § 12-19.2, et seq.

In other words, the law, as it currently stands, provides ample and appropriate procedural safeguards prior to the imposition of a life without parole sentence.

For these reasons, I respectfully oppose HB 5149 as it is currently drafted. I believe that this bill would deprive victims of the most heinous crimes, and their families, of the justice they deserve and would endanger public safety. I thank the Committee for its consideration and remain willing and available to work with Representative Edwards, the Committee, and other stakeholders to discuss this legislation.

Sincerely,



Peter F. Neronha
Attorney General