



# RHODE ISLAND PUBLIC DEFENDER

May 23, 2012

Dear House Members:

The Rhode Island Public Defender and the Rhode Island ACLU are writing to urge your opposition to H-7112A, the so-called “good time” bill. We appreciate the sponsor’s work in addressing the most significant constitutional issue raised by the original legislation – ensuring that the bill applies only prospectively – but the revised bill’s passage continues to raise enormous public policy and fiscal concerns.

- This legislation undermines reforms that the General Assembly made *just four years ago* in response to severe overcrowding at the ACI. That overcrowding came close to precipitating the mandatory release of some prisoners. Passage of this bill is almost certain to lead to a similar crisis at some point in the not-too-distant future.

- Although this will likely be one of the most expensive pieces of stand-alone legislation the General Assembly votes on this year, no fiscal analysis that we are aware of has been prepared. Because the bill is prospective in nature, there will admittedly be no immediate financial costs to the state. But that is deceptive. Once the law takes effect and is applied to more and more new prisoners, very significant costs will be incurred and will continue to escalate. When the State Budget Office prepared a fiscal note on last year’s bill, which would have applied to inmates then at the ACI, it estimated that the costs associated with the population increase caused by the legislation would exceed \$12 million in its first full year of implementation alone. All that the prospective nature of this bill does is push those costs a little way into the future, leaving them to another General Assembly to pay from another fiscal year’s strapped budget. It would be unfortunate, so soon after enacting a law in 2008 to save the state money, to undo that effort and put the DOC’s budget on an ever-escalating fiscal path, at the same time that legislatures across the country are doing just the opposite in order to address serious fiscal issues.

- Since the whole point of “good time” is to focus on the offender’s behavior *inside the prison*, the nature of the offense the individual committed should be irrelevant. Also, the removal of good time potentially creates a disincentive for exempted offenders to be of good behavior while in prison.

- Although the inmates no longer eligible for good time may have an opportunity to obtain much more limited sentence reductions for their participation in certain rehabilitative programs, there is no obligation on the Department of Corrections to ensure that these programs are available to all inmates wanting to participate. Thus, for many inmates who will no longer be eligible for “good time” credits, the opportunity for rehabilitative program credits may prove illusory.

For all these reasons, we urge your opposition to this bill.