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ACLU OF RI POSITION: OPPOSE/AMEND

TESTIMONY ON 25-H 5897, RELATING TO SUSPENSION OR REVOCATION OF LICENSES -- VIOLATIONS March 11, 2025

This legislation, sponsored by the Judiciary, would expand the circumstances – to include people who have had three moving violations within a one-year period – when mandatory prison sentences could be imposed for driving without a license. The ACLU of Rhode Island strongly opposes this bill as it is antithetical to the “justice reinvestment” approach that the General Assembly has embraced in recent years.

As currently worded, the statute makes it a misdemeanor (for the first two offenses, and a felony for a third offense) for a person to drive without a valid license, or on a suspended, revoked or cancelled license if the loss of license was based on any one of five different reasons: operating under the influence; refusing to submit to a chemical test; reckless driving; operating a motor vehicle so as to endanger resulting in death; or having three moving violations in a one year period. If the person is caught driving with a suspended license for any of the first four reasons, the law goes further and *currently imposes a mandatory prison sentence*. This legislation would now also subject a person whose suspended license was based on the fifth reason – three previous moving violations in a year – to a mandatory prison sentence as well.

The ACLU has long opposed mandatory prison sentences for many reasons, so it is not surprising that we oppose its expansion here. Mandatory sentencing is not only contrary to the justice reinvestment reforms this body has enacted in recent years, it is also an ineffective, costly and discredited approach to criminal justice. Rather than increasing the circumstances when it is used, the General Assembly should be reexamining its continued presence in this statute.

When this law was enacted over 40 years ago, there were legitimate reasons that it made a distinction between the first four suspension/revocation grounds and the fifth one in terms of the harshness of the sentencing that could be imposed, and those reasons are just as applicable today. While speeding or other moving violations – which can also include such conduct as doing a “rolling stop” at a stop sign – are potentially dangerous, they simply do not directly demonstrate the direct type of severely hazardous driving that the other four grounds do. Even if one supports the harsher prison sentences for those other offenses, there is a strong rationale for not applying them to general moving violations. And while the potential mandatory sentence for a first offense may be small – a minimum of 10 days at the ACI – that sentence is enough to have a person lose their job and face a host of other untoward consequences.

We therefore urge the committee to reject this bill and its inappropriate expansion of mandatory sentencing, or else amend it to exclude this particular revision.