RHODE ISLAND'S STATEHOUSE-TO-PRISON PIPELINE

How "Tough-On-Crime" Lawmaking Results in Overcriminalization and Mass Incarceration

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EXECUTIVE SUMMARY

What if somebody told you that being a serial graffiti artist could get you a longer prison sentence than being a serial drunk driver; that you could be sentenced to one year in prison for the crime of covering up a public monument, a penalty that was as severe as violating a protective order issued on behalf of a sexual assault victim; that if you want to steal fruits and vegetables, you should take them from a supermarket rather than a farm because you could face a sentence five times as long for doing the latter; that stealing $250 of those fruits and vegetables would land you a longer prison sentence than stealing $5,000 of just about anything else; that a felony drug conviction from your teenage past could prevent you from volunteering at your child's school 20 years later; that you could face years in jail for advertising your drug store for a week without having a pharmacist available during business hours; and that if you're worried that somebody might, with impunity, remotely shoot an animal over the Internet, you needn't worry because there's a criminal sentence for that?

This is not Wonderland; rather, it is a glimpse into Rhode Island's lawmaking on criminal justice over the past eighteen years. As part of the ACLU of Rhode Island's longstanding campaign against legislation that punishes too many people for too many crimes for far too long, we decided to examine just how deep-seated the problems of overcriminalization and mass incarceration in the state were by going straight to the source – the legislation that defines criminal activity and establishes the sentencing penalties for that activity. Specifically, we reviewed every public law that the General Assembly has enacted since 2000 to examine the creation of, and revision to, criminal conduct and its statutory consequences. We came up with some eye-opening findings. This report analyzes those findings and offers a number of recommendations for addressing what we call the "statehouse-to-prison pipeline."

Below is a summary of our key findings:

- Between 2000 and 2017, the Rhode Island General Assembly created more than 170 new crimes, and also increased the criminal sentences for dozens of existing offenses.

- Many of the laws establishing "new" crimes actually make criminal offenses out of conduct that is already prohibited by other laws, but create harsher penalties and lead to more serious consequences.

- Laws like these not only increase the punishment and sentencing range for people who commit certain offenses, they vastly expand the power of police and prosecutors to coerce defendants to waive their right to a jury trial and prod innocent defendants to plead guilty.

- Increasing penalties that turn a crime from a misdemeanor into a felony, or establishing new felony crimes for many non-violent offenses, has serious collateral consequences beyond the length of the prison sentence that an offender faces.

- In the comparatively rare instances when the legislature reduces or repeals criminal penalties, they are generally to address patently archaic laws, not to promote positive substantive sentencing reform.

- The length of prison sentences established by new laws is largely arbitrary, and little consideration is given to the ramifications that flow from setting them.

- Just as the prison sentences imposed by the laws are arbitrary, so are the fines that are set in establishing penalties.

- Some increased penalties are enacted when their greatest impact is almost certain to fall heavily on the young or, occasionally, the mentally ill.

- Sometimes the General Assembly makes crimes out of issues du jour, or of conduct that could be addressed in less drastic ways, but these laws will likely remain on the books for decades.

We offer a number of recommendations for the General Assembly based on these findings:

- Create a commission to recodify the criminal laws with the goal of reducing arbitrary penalties, eliminating duplicative crimes, and decriminalizing some offenses.

- Require prison impact statements with the introduction of sentencing bills so that the fiscal impact of such legislation cannot be ignored.

- Require racial impact statements to help reduce the significant racial disparities in the criminal justice system.

- Reclassify from felonies to misdemeanors any crimes without prison sentences, or with sentences of less than one year.

- Stop passing new duplicative criminal laws and enhanced penalties for various property and other crimes, or at least require a compelling and documented justification for their passage.

- Re-examine and revise statutes that disqualify, automatically or presumptively, people with felony records from employment or professional licensing.

- Change the "get tough on crime" culture to one that is "smart on crime."

BACKGROUND

In recent years, the problem of **mass incarceration** has been at the forefront of much public and political discussion. The dubious role of the United States in locking up, by far, more people per capita than any other country;[1] the skyrocketing fiscal costs associated with incarceration;[2] the use of incarceration instead of other approaches to address certain crimes;[3] the lengthy nature of many criminal sentences that is leading to geriatric prison populations;[4] and the clear racial disparity in incarceration rates[5] have all propelled this issue into the spotlight and prompted a much-needed examination of sentencing and incarceration policies.

Nationally, concerns about this issue have managed to unite both the left and the right, perhaps best epitomized by the formation in 2014 of a bi-partisan "Coalition for Public Safety," funded largely by the Koch Brothers, and formed with such groups as the ACLU, Grover Norquist's Americans for Tax Reform and the liberal Center for American Progress. All these groups have signed on to the Coalition's mission of "reduc[ing] our jail and prison populations and associated cost" and "end[ing] the systemic problems of overcriminalization and overincarceration - particularly of low-income communities and communities of color."[6]

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Locally, the ACLU of Rhode Island has been deeply involved for decades in addressing this issue. A major ACLU class-action lawsuit that lasted for over 20 years, *Palmigiano v. Garrahy*, helped alleviate severe prison overcrowding conditions at the Adult Correctional Institutions (ACI),[7] and led to a mechanism to require the release of prisoners should the ACI population exceed certain caps.[8] The ACLU of Rhode Island has also unceasingly lobbied to limit draconian sentencing, and has sought to promote change through examination of deep-seated racial disparities in the criminal justice system.[9]

In 2015, Rhode Island government officially became part of this discussion as well. In July of that year, Governor Gina Raimondo appointed a justice reinvestment task force, composed of a wide range of stakeholders coordinated by the Council of State Governments.[10] Their recommendations led to the passage by the state Senate in 2016 of a package of legislative reforms designed to address a few of the issues that have exacerbated the mass incarceration problem in Rhode Island.[11] Although the reforms were modest, they were a clear and significant step in the right direction. Unfortunately, after passing the Senate, the package of legislation died in the House in the closing hours of the 2016 legislative session.

A more watered-down version of the bills did end up getting signed into law in September 2017.[12] The legislative package made some important changes to the state's criminal laws and practices, but it must be considered only the first step in promoting meaningful criminal justice reform.

Separate from mass incarceration, but deeply intertwined with it, is the problem of **overcriminalization**. This problem too has united the political spectrum – with the ACLU,[13] the National Association of Criminal Defense Lawyers,[14] the Heritage Foundation,[15] and Right on Crime[16] all denouncing this dangerous, but always growing, practice.

By making crimes out of conduct that is best handled through civil enforcement - if at all - overcriminalization directly increases mass incarceration.

By making crimes out of conduct that could best be handled through civil enforcement, if at all, overcriminalization can have an obvious and direct impact on promoting mass incarceration. Regardless of its influence on the prison population, however, overcriminalization has an insidious influence on criminal justice in other ways. It often takes the form of passing duplicative and overlapping statutes that can lead to the stacking of criminal charges against an individual, which can "force innocent individuals to plead guilty not because they actually are, but because exercising their constitutional right to a trial is prohibitively expensive and too much of a risk."[17] Further, the mere presence of a criminal record often has severe and deleterious effects on individuals even if they never spend a day at the ACI. Similarly, the imposition of non-incarcerative punishments – whether it is probation, suspension of a license or other penalties short of prison – can have an impact on offenders' lives for years to come. Indeed, while Rhode Island's prison population is smaller per capita than most other states, its probation population has for many years been among the highest.[18]

In talking about these issues, one must also always keep in mind the persistent and significant racial disparities in the enforcement of the criminal laws. A look, for example, at the state's drug laws demonstrates their substantial disparate enforcement on the basis of race.[19] The racial breakdown of Rhode Island's male incarcerated population, as reported by the Department of Corrections, is shocking: One in 265 white adult males in the state are incarcerated; but one in 83 Hispanic males and one in 29 black adult males are imprisoned.[20] Overcriminalization and mass incarceration fuel these figures.

Although there are many reasons for the epidemic of overcriminalization and mass incarceration, there can be little debate about where it all starts – with the passage of legislation that both defines criminal activity and establishes the sentencing penalties for that activity. It is that starting point that is the subject of this report. Just as, in recent years, the public has been grappling with mitigating the harm caused by the school-to-prison pipeline, an examination of the "statehouse-to-prison pipeline" is long overdue.

Every year the Rhode Island General Assembly is flooded with "get tough on crime" bills, expanding the reach of the criminal law and increasing sentences for crimes that are already on the books. On the other hand, rarely do bills get introduced, much less enacted, to significantly *reduce* criminal penalties. To an observer, there appears to be an ever-growing spiral of crimes and penalties, with the end nowhere in sight. As a result, the number of people incarcerated in the state per 100,000

residents has more than tripled since 1980, as illustrated by a graph created by the Prison Policy Initiative (Figure 1). Looking at it another way: between 1976 and 2014, the ACI population *increased more than five-fold*: the ACI housed 603 inmates in 1976 and 3,214 inmates four decades later.[21]

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In a similar vein, since 1997, when this data started being collected, the DOC chart below shows that Rhode Island's *probation* population has increased by more than 17% (Figure 2). According to the Bureau of Justice Statistics, Rhode Island is second in the nation in its rate of probation supervision (2,822 per 100,000 residents), a rate that is 85% higher than the national average.[22]

With assistance from students in the ACLU's Roger Williams University School of Law Chapter, the ACLU of Rhode Island decided to examine how prevalent the expansion of our criminal laws and penalties actually was.[23] To do so, we reviewed every public law enacted by the General Assembly between 2000 and 2017.[24] The results were eye opening, and form the basis for this report and for a number of recommendations that address our findings.

Figure 1. Rhode Island Prison Incarceration Rate, 1978-2015[25]

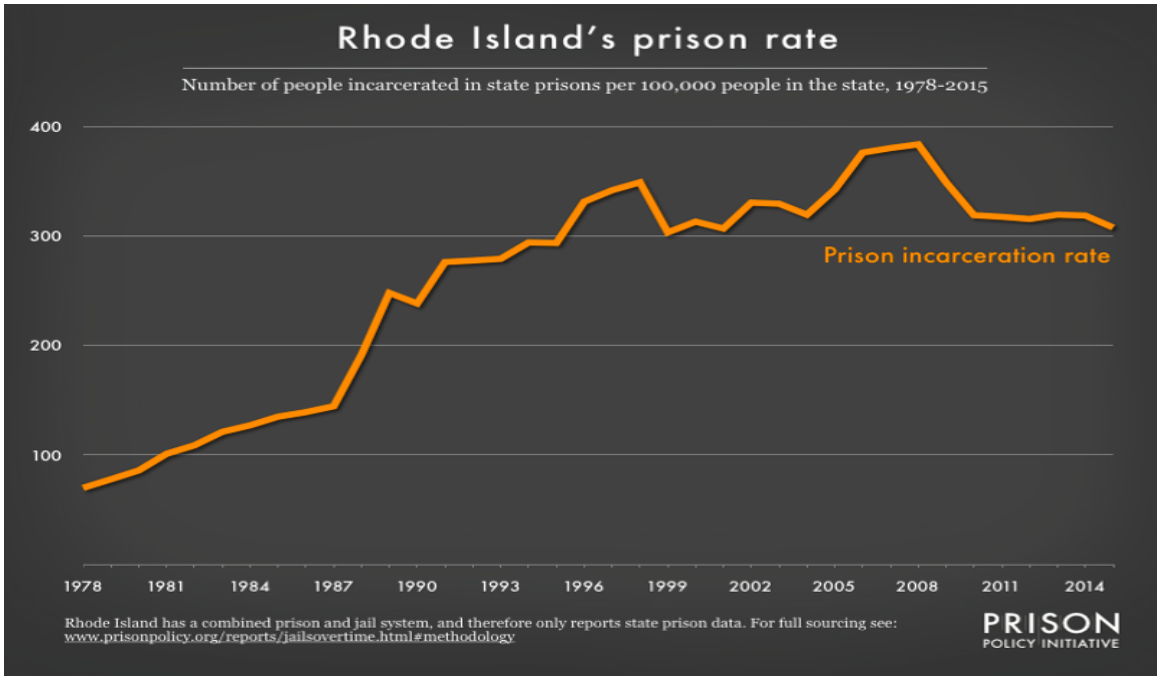
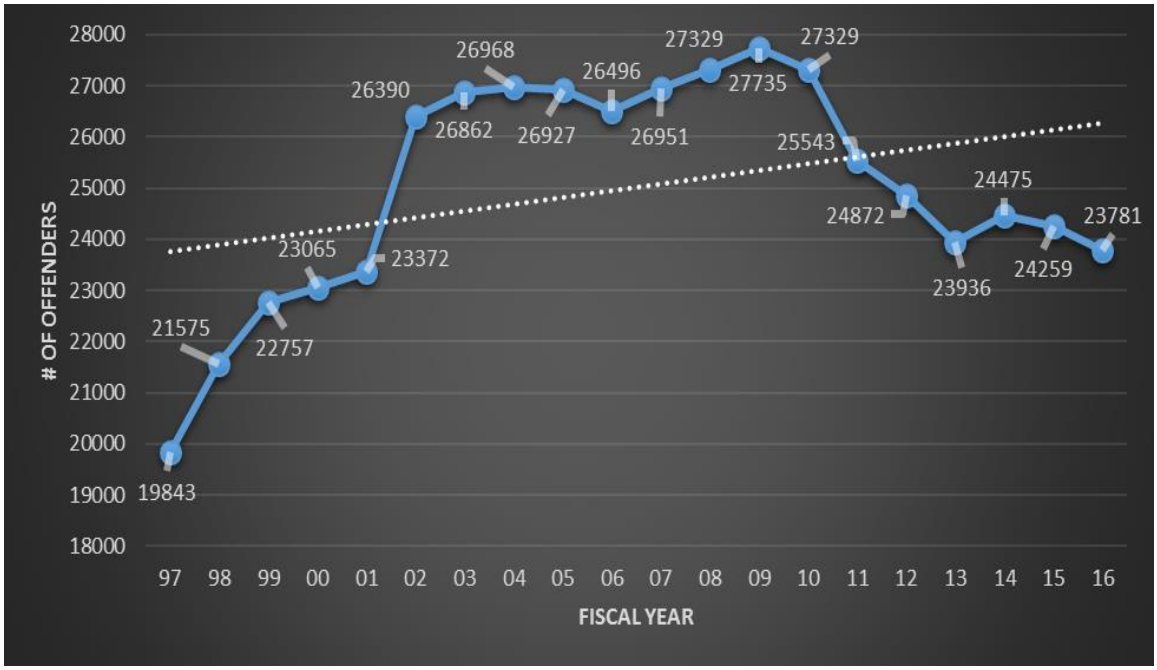


Figure 2. Probation Population in Rhode Island: 1997-2016



FINDINGS

1. Between 2000 and 2017, the Rhode Island General Assembly created more than 170 new crimes, and also increased the criminal sentences for dozens of existing offenses.[26]

It is somewhat overwhelming to contemplate the large number of crimes that the General Assembly constructs on a yearly basis. At the same time, as will be discussed later on, laws reducing or repealing criminal sentences were relatively rare and, with only a few highly notable exceptions, generally involved repealing patently archaic or unconstitutional criminal laws.

The vast number of new statutes passed demonstrates a gratuitous and excessive alacrity by legislators to immediately turn to the criminal law to address perceived wrongs and harms. And little by little, year-by-year, these new laws have an impact on the ACI's population count and on the administration of criminal justice. At bottom, the prison and probation population cannot help but expand with so many new laws and increased penalties encouraging more and harsher punishment.

2. Many of the laws establishing "new" crimes actually make criminal offenses out of conduct that is already prohibited by other laws, but create harsher penalties and lead to more serious consequences.

The fact that so many new criminal laws are actually variations of current criminal prohibitions should not be surprising. It would be fanciful to believe that 170 types of nefarious activity were perfectly legal until the General Assembly got around to passing a law in recent years prohibiting it.

However, the duplication engendered by these new laws is far from innocuous. Often the new statute, by focusing on a specific subset of a broader crime, disproportionately expands the severity of punishment for conduct that is already illegal. To give a simple example, the general penalty for stealing property or money ("larceny") is a misdemeanor if the value of what has been stolen is less than $1,500. [27] A misdemeanor carries a maximum prison sentence of one year.[28] In 2014, however, the legislature singled out "larceny of farm products" for special punitive treatment. Under a law enacted that year, stealing only $250 worth of farm products became a felony punishable by up to five years imprisonment.[29] That is, *stealing produce from a farm carries five times the prison sentencing sanction that stealing the same amount of produce from a supermarket carries*. Because of a law enacted in 2017 recalibrating larceny

> Carving out increased penalties for already existing illegal conduct without a compelling justification is unfair and arbitrary.

penalties, the disparity is actually even more pronounced than that. Larceny of *other property worth up to $5,000* now carries a maximum three-year sentence.[30]

Carving out increased penalties for already existing illegal conduct without a compelling justification is unfair and arbitrary. Sometimes it is based on a constituent or special interest group's grievance after being a victim of the crime and feeling that the punishment wasn't tough enough. Sometimes a high-profile crime prompts a determination to get "tougher" on the offense. But this ultimately random and capricious approach to meting out punishment is an extremely dubious way to write the criminal laws and determine how much time a person facing prison should serve.

Table 1. Comparison of Selected "New" Crimes to Original Crime

Original Crimes		**"New" Crimes**			
Crime	**Sentence**	**Year**	**Statutory Citation**	**Crime Summary**	**Sentence**
Assault	1 year/$1,000 fine	2001	§11-5-16	Creates crime of assault of health care provider or EMS personnel	3 years/$1,500 fine
Larceny	*Theft of $1,500 or less*: 1 year/$500 fine *If theft is between $1,500 and $3,000*: 3 years/$1,500 fine *If theft is between $5,000 and $10,000*: 6 years/$3,000 fine *If theft is over $10,000*: 10 years/$5,000 fine	2006	§11-41-25.1	Creates crime of motor fuel theft	*If theft is $500 or less*: 1 year/$500 fine *If theft is more than $500:* 10 years/$5,000 fine
Larceny	See above	2014	§11-41-33	Makes it a crime to steal farm products	*If farm product less than $250:* 1 year/$1,000 fine *If farm product $250 or more:* 5 years/$5,000 fine
Assault	1 year/$1,000 fine	2017	§11-5-3.1	Makes it a crime to assault a delivery person	3 years/$3,000 fine

3. Laws like these not only increase the punishment and sentencing range for people who commit certain offenses, they vastly expand the power of police and prosecutors.

By being able to charge individuals with multiple crimes for similar conduct, or to charge them with a crime containing a greater penalty than the more generic offense, prosecutors are in a much stronger position to encourage criminal defendants to plead guilty and waive their right to a jury trial where the state must prove the crime. As one legal scholar has explained it: "When deciding whether to plead guilty, any rational defendant (more to the point, any rational defense lawyer) takes account of the sentence the defendant may receive if he goes to trial and loses… By stacking enough charges, prosecutors can jack up the threat value of trial and thereby induce a guilty plea, even if the government's case is weak."[31]

It is easy to see how this can happen. As with "larceny of farm products," a 2006 law enactment unnecessarily made it a specific, separate crime to steal motor fuel.[32] At the time, the penalties imposed for this new offense were no different than the general penalties for larceny: a misdemeanor if the fuel stolen had a value of $500 or less, and a felony, with a potential ten year prison sentence, if the fuel's value was more than $500. Thus, the new law's major practical effect was not substantial. But the impact became more serious when the General Assembly, in 2012, revised the general larceny statute to increase the felony threshold from $500 to $1,500. As a result, stealing between $500 and $1,500 worth of fuel remains, by inertia, a felony carrying a ten-year prison sentence; for almost any other type of larceny, the offense would be a misdemeanor carrying a maximum one-year sentence. It is not hard to imagine a person who believes they are innocent nonetheless pleading guilty to a lesser crime of "larceny" rather than face a potential ten-year prison sentence under the more specific statute.

"By stacking enough charges, prosecutors can jack up the threat value of trial and thereby induce a guilty plea, even if the government's case is weak."

The injustice has been made even greater as a result of amendments made to the larceny statute in one of the 2017 justice reinvestment laws. Under the new law, larceny of property or money up to $10,000 carries a maximum six-year sentence. Thus, under the 2006 "theft of motor fuel" law, stealing $501 worth of gasoline is now punishable more harshly than stealing $10,000 of almost anything else.

Overcriminalization also has an obvious impact on the depth of the legal representation that can be provided criminal defendants. Harried public defenders simply are not in a position to conduct thorough investigations or otherwise invest the time it might be useful to invest in dealing with all of their clients, particularly those charged with "minor" crimes, when their workload is overwhelming. Indeed, while the Rhode Island Public Defender has 49 full-time attorneys, a recent report estimated that "there should be 136 to 145 full-time public defenders to provide reasonably effective defense."[33]

4. Increasing penalties that turn a crime from a misdemeanor into a felony, or establishing new felony crimes for many non-violent offenses, has serious collateral consequences beyond the length of the prison sentence that an offender faces.

Of the more than three-dozen preexisting offenses for which the General Assembly increased the penalties between 2000 and 2017, about one-third of them raised the penalties from a misdemeanor into a felony. The collateral consequences associated with a criminal record – and especially a felony record – can haunt an ex-offender for life, long after their sentence has expired.

Licensing laws generally contain no time limit on how long a person's record can be used against them.

As a federal judge recently pointed out:

> *"Under federal law alone, a felony conviction may render an individual ineligible for public housing, section 8 vouchers, Social Security Act benefits, supplemental nutritional benefits, student loans, the Hope Scholarship tax credit, and Legal Services Corporation representation in public-housing eviction proceedings. Moreover, in addition to the general reluctance of private employers to hire ex-convicts, felony convictions disqualify individuals from holding various positions.*
>
> *"Oftentimes, the inability to obtain housing and procure employment results in further disastrous consequences, such as losing child custody or going homeless. In this way, the statutory and regulatory scheme contributes heavily to many ex-convicts becoming recidivists and restarting the criminal cycle."*[34]

Similar consequences apply at the state level, particularly in the context of qualifying for a wide array of employment opportunities. A felony conviction can often serve as an automatic or presumptive disqualification for occupational licensing and, as noted above, remains a factor in many private employers' hiring decisions.[35]

Perhaps most prominently, all felony drug offenses are, in a disservice to the English language, often classified as "crimes of violence" for purposes of employment and licensing.[36]

Another black hole that has the potential to suck in ex-offenders: about two dozen professional licensing statutes that allow for denial or revocation of a license if the person has ever been convicted of a "crime of moral turpitude."[37] As the ACLU has argued, this is a meaningless term that can cover just about every crime imaginable.[38]

There are some crimes that are felonies even though they carry no risk of a prison sentence whatsoever. That is because, by statutory definition, any crime that carries

with it a fine greater than $1,000 is automatically deemed a felony. As a result, any person who "allows to be injured any fire hydrant"[39] or who is convicted of a second offense of transporting horses while stacked on two or more levels[40] – crimes which the General Assembly decided did not deserve time in prison – is still an ex-felon and faces many of the same collateral consequences that a person who has served a lengthy prison sentence will encounter. In 2016 and 2017, Senate-passed "justice reinvestment" legislation would have addressed this problem by revising the definitions of felony and misdemeanor, but the House refused to go along.

In short, increasing penalties to meet the standard for a felony has much greater ramifications than a potentially longer prison sentence. To use an example cited earlier, when a person steals $260 worth of farm products, he or she now faces a lifetime of consequences as a felon that somebody stealing $1,500 of something else does not.

Table 2. Selected Crimes Increased from Misdemeanors to Felonies

Year	**Crime**	**Penalty *Before***	**Penalty *After***
2003	Increases penalties for an employer to knowingly fail to secure workers' compensation	Misdemeanor $1,000 Fine	Felony 2 years in prison
2008	Increases penalties for third offense of furnishing alcoholic beverages to underage person	Misdemeanor 1 year	Felony 3 years
2013	Increases penalties for third graffiti offense conviction	Misdemeanor $1,000 Fine	Felony 2 years in prison and $2,000 fine
2014	Increases penalties for unlawfully affixing or distributing a cigarette tax stamp	1st Offense: Violation $500 fine 2nd Offense: Misdemeanor 1 year in prison/$1,000 fine	1st Offense: Felony $10,000 fine 2nd offense: Felony 5 years/$5,000 fine
2016	Increases penalties for cruelty to animals resulting in death, expanded in 2017 to include crime of hoarding	Misdemeanor 11 months/$500 fine	Felony 5 years/$1,000 fine

5. In the comparatively rare instances when the legislature reduces or repeals criminal penalties, they are generally to address patently archaic laws, not to promote positive substantive sentencing reform.

Chart 3 in the Appendix contains information regarding crimes that have been repealed or had their penalties reduced since 2000. Compared to the number of new crimes created, it is a meager list in terms of both numbers and scope. In 2004, one bill that was passed did more than any other in that decade to "clean the books," by repealing sixteen obsolete 19th Century statutes, including ones banning blasphemy and the advocacy of anarchy.[41] The vast majority of the other actions taken by the General Assembly in this regard are hardly more earth-shattering. They include repealing a statute that made it a crime to hire a horse or carriage with the intent to cheat the owner,[42] repeal of a 1938 law imposing penalties for importing bovine animals without a permit,[43] and passage of a bill in 2014 that let school principals off the criminal hook if they violated state fire drill laws.[44]

The one substantive area where the General Assembly has made progress in bucking the trend of longer sentences involves drug laws. By removing penalties for possession of a hypodermic needle in response to the AIDS crisis,[45] eliminating mandatory minimum sentences for some drug offenses,[46] decriminalizing possession of small amounts of marijuana,[47] and providing for Good Samaritan immunity to promote medical assistance for drug overdose victims,[48] the legislature has taken some important steps in slowly dismantling the complete failure known as the "war on drugs." But this is an area that truly is an exception to the rule, and even there, exceptions to the exception exist.[49]

Table 3. Selected Repealed Crimes

Year	Statutory Citation	Crime Repealed	Sentence Repealed
2001	§11-18-19	Repeals statute making it illegal to hire a horse or carriage with intent to cheat the owner	Repealed 30 days/$20 fine
2004	§11-15.6	Repeals statute making it a crime to carry a subversive flag in a parade where the American flag is also being carried	Repealed 3 months/ $100 fine
2012	§20-1-26	Reduces, from misdemeanor to a violation, penalties for importing or possessing freshwater invasive aquatic plants	Repealed 90 day prison sentence; retained $500 fine
2014	§23-28.12-15 §23-28.12-36	Revises penalties for violation by school principals of fire alarm and fire drill laws	Revised designated misdemeanor fine $50 to violation fine of $200
2015	§4-5-10	Repeals penalty for importing bovine animals without permit	Repealed 1 year/$500 fine

In the few other areas where progress has been made in addressing the time that criminal offenders spend in prison, one also must watch for regression. Thus, in 2008 the General Assembly passed an important law increasing the amount of "good time" credits that many prisoners could accrue, helping to alleviate severe overcrowding at the ACI.[50] But only four years later, the legislature began to undermine this reform by amending it to exclude inmates serving time for specific felonies even though "good time" provides an important incentive to prisoners to participate in treatment and educational programs, potentially reducing their recidivism rates.[51]

6. The length of prison sentences established by new laws is largely arbitrary, and little consideration is given to the ramifications that flow from setting them.

The amount of prison time imposed for crimes often has no rhyme or reason, and there further appears to be little thought to given to the actual consequences – both fiscal and social – that flow from those penalties. As noted previously, increased sentences that turn a crime from a misdemeanor into a felony have severe and long-lasting ramifications for offenders.

Besides the specific larceny statutes that have been previously cited to show their outsized punishment compared to similar crimes, the randomness of other sentences is also hard to ignore. Why, for example, does falsifying anatomical gift documents for financial gain carry a five year prison sentence,[52] while purchasing body armor after conviction of a felony crime of violence have a three year maximum sentence?[53]

In terms of the severity of the harm to individuals, does it make sense that knowingly violating a protective order issued on behalf of a victim of sexual assault carries the same penalty (one year imprisonment) [54] as "willfully … cover[ing] or keep[ing] covered" a public statue,[55] and less of a penalty than being a serial graffiti offender (two years imprisonment for third conviction)[56] or stealing more than $250 worth of farm products (five years imprisonment)?[57] Is using a counterfeit token at a gaming facility (ten years imprisonment)[58] truly five times worse than selling a motor vehicle knowing that the airbag is inoperable (two years imprisonment)?[59] Often, it seems, one could just as easily pull numbers out of a hat to determine the length of sentence for some crimes.

Is using a counterfeit token at a gaming facility (ten years imprisonment) truly five times worse than selling a motor vehicle knowing that the airbag is inoperable (two years imprisonment)?

Further, with incarceration generally costing more than $40,000 a year per inmate, increases in sentences can lead to a constantly growing Corrections budget, without any corresponding return on public safety.

A glaring example of increasing sentences merely for the sake of increasing sentences can be found with the passage of a bill in 2015 amending the penalties for "sex trafficking of a minor."[60] Surely this is a heinous crime deserving severe punishment, but at the time the bill was introduced, this crime carried a penalty of 40 years in prison. The enacted 2015 bill amended the maximum penalty to 50 years. Exactly what criminal justice purpose is served by this increase is a mystery. An extra ten years tagged onto an already harsh four-decade prison sentence (half of a person's life) can hardly be expected to serve as more of a deterrent. Nor is it clear how useful this extra dose of retribution is, if it keeps an offender in prison until he is 85 years old instead of 75. If just one person is given those extra ten years to serve, in 2017 dollars it would cost taxpayers approximately half-a-million dollars – and that does not include the additional medical costs to the taxpayers associated with warehousing geriatric prisoners. But, of course, it will be the taxpayers two generations from now who will be stuck paying an even larger bill – all to what end?

Table 4. Prison Sentences Imposed for Selected Crimes, By Severity

Year	Statutory Citation	Crime	Prison Sentence
2007	§19-14.9-13	Makes it a crime to engage in the unlicensed business of debt collection	1 year
2009	§11-37.2-2	Makes it a crime to knowingly violate a protective order issued on behalf of a victim of sexual assault	1 year
2009	§11-44-13	Amends law barring the defacing of public monuments to also make it a crime to willfully "cover or keep covered" a monument	1 year
2010	§31-53-4	Makes it a crime to install an airbag in a motor vehicle that does not meet federal safety standards or to misrepresent the presence of an airbag when one does not exist.	2 years
2013	§11-44-21.1	Increases penalties for third graffiti offense conviction	2 years
2012	§11-47-20.4	Makes it a crime to possess, own or purchase body armor if the person has been previously convicted of a felony crime of violence.	3 years
2014	§11-41-33	Makes it a crime to steal farm products	If farm product $250 or more: 5 years
2013	§42-61.3-2	Makes it a crime to use a counterfeit slug at a casino	10 years
2006	§11-41-25.1	Creates crime of motor fuel theft	If theft is more than $500: 10 years

Although House and Senate Finance Committees regularly scrutinize the fiscal impact of bills on every other conceivable subject, criminal laws generally get a free ride despite their consequential fiscal costs. The only time that "prison impact" statements are required is when a bill carries a mandatory minimum sentence,[61] which is one area that the General Assembly has, positively, generally shied away from. However, there is no logical reason why the costs associated with increased prison sentences should be given less scrutiny than any other legislation that has fiscal consequences for the state – whether it involves public education, assistance to low-income families, or expansion of social services.[62] It is unfortunate that "getting tough on crime" resonates so much more than "getting smart on crime."

7. Just as the prison sentences imposed by the laws are arbitrary, so are the fines that are set in establishing penalties.

While misdemeanors, by definition, cannot carry a fine greater than $1,000, the sky is the limit when setting fines for the commission of felonies. They often have no relation to either the prison sentence or to similar offenses. For example, in the years this report studied, one of the higher fines that was enacted was for the crime of intentionally falsifying documents relating to anatomical gifts for financial gain. This crime includes a penalty of up to $50,000 in fines.[63] Compare that to the fine associated with purchasing body armor if convicted of a felony crime of violence: $5,000.[64] And can one rationally explain why using a counterfeit slug at a casino carries a huge $100,000 fine[65] while video voyeurism nets a $5,000 fine?[66] And other than for shock value, is there any point to authorizing a $500,000 fine for possessing slightly more than one ounce of a substance containing a detectable amount of synthetic drugs?[67]

Table 5. Fines Imposed for Selected Crimes (Prison Sentence Not Included)

Year	Statutory Citation	Crime	Fine Imposed
2012	§11-47-20.4	Makes it a crime to possess, own or purchase body armor if the person has been previously convicted of a felony crime of violence.	$5,000 fine
2000	§11-38-6	Makes it a crime to initiate a riot or destroy property during a riot at the Wyatt Detention Facility	$10,000 fine
2007	§23-18.6.1-17	Makes it a crime to intentionally falsify documents relating to anatomical gifts for financial gain	$50,000 fine
2014	§44-20-39	Increased penalties for forging cigarette stamp	$500,000 fine
2014	§21-28-4.01.1 §21-28-4.01.2	Increased penalties to possess, sell, distribute, etc. a substance containing a detectable amount of synthetic drugs	Between 1 oz. and 1 kg: $500,000 fine More than 1 kg: $1,000,000 fine

8. Some increased penalties are enacted when their greatest impact is almost certain to fall heavily on the young or, occasionally, the mentally ill.

One of the lengthiest floor debates in the House in the 2013 session involved a bill to make a conviction for a third graffiti offense a felony, with all the consequences that flow from this activity performed almost exclusively by young people.[68] By turning this offense into a felony instead of relying on restitution or other more meaningful penalties, the consequences that flow from this sentencing classification on young adults will only have a negative social and financial burden on them – and the public – for decades to come.

The same is true when the legislature enacted extremely harsh penalties in 2007 for drag racing.[69] Obviously, this is a dangerous activity, but again it is one committed almost exclusively by the young. Yet the draconian penalties that were adopted for "street racing" are significantly higher than penalties on the books for much more serious driving misconduct. For example, street racing with a passenger in the motor vehicle – without any accident or other endangering behavior – carries a five-year prison sentence. However, an adult who drives drunk with a child 13 years or younger in the car faces a maximum one-year penalty![70] Further, a second offense of street racing within a five-year period – without a passenger, any accident or other endangering behavior – is a felony. Driving under the influence a second time with a BAC of between .08% and .15% or above carries a maximum one-year sentence.[71]

To give another example, in 2001 the General Assembly made it a felony, carrying a three-year prison sentence, to knowingly and willfully assault a health care provider or emergency medical services personnel, even though most other assaults without serious bodily injury are classified as misdemeanors.[72] In doing so, legislators ignored concerns from representatives of the mental health community, who pointed out that the people most likely to engage in such conduct are people suffering from some mental illness or otherwise in an emotionally disturbed state. Yet they face more serious punishment than others engaged in identical, if not more serious, assaultive behavior.[73]

Table 6. Comparison of DUI and Street Racing Penalties

	Driving Under the Influence*	**Street Racing**
1st Offense	0-1 Year in prison $100-$500 in fines	1 Year in prison $500-$1,000 in fines
2nd Offense	10 days -1 Year in prison $400-$1,000 in fines	2 Years in prison $1,000 in fines
3rd Offense	1-5 Years in prison $400- $5,000 in fines	5 Years in prison $2,500 in fines

* Maximum sentence listed. Sentence can vary based on BAC level.

9. Sometimes the General Assembly makes crimes out of issues du jour, or of conduct that could be addressed in less drastic ways, but these laws will likely remain on the books for decades.

There are times when an issue may go away – if it even existed at all – but the crime remains on the books due to zealous overreactions from legislators. In 2014, for example, the General Assembly quickly passed a law making it a felony to engage in the crime of what was then being referred to as a "knockout assault." The statute makes it a separate assault crime to cause or attempt to cause "another person to be rendered unconscious by a single punch, kick, or other singular striking motion to the head of such person for the purpose of bringing about the loss of consciousness."[74] The law was passed in response to national news media stories alleging that this "knockout game" was a new trend among urban youth. In fact, it turned out that this was largely a myth,[75] but the law is unlikely to be repealed anytime soon.

Does anyone recall why it was deemed essential in 2006 for the General Assembly to pass a law making it a crime to remotely shoot an animal via the Internet?

Similarly, does anyone recall why it was deemed essential in 2006 for the General Assembly to pass a law making it a crime to remotely shoot an animal via the Internet?[76]

The table on the following page samples a handful of the laws enacted in recent years whose necessity seems doubtful at best: to name a few, they include making it a specific crime for an adult who enters a school bus without permission to refuse to leave;[77] making it a crime, instead of a civil violation, to take shellfish from certain designated ponds by using scuba gear;[78] and criminalizing the conducting of seminars on Oriental medicine in violation of regulations.[79] All of these laws, and many others like them, will probably remain on the books for perpetuity, even if the crimes and issues fade into irrelevance, if they were ever relevant at all.

Table 7. Are These Crimes Necessary?

Year	Statutory Citation	Crime	Sentence
2000	§31-22-11.7	Makes it a crime for an adult who enters a school bus without permission to refuse to leave after being ordered to do so	1 year/$1,000 fine
2000	§5-62-10	Makes it a crime to falsify a certificate of authenticity or any similar written instrument for a work of fine art	1 year/$1,000 fine
2001	§20-6-30	Makes it a crime to take shellfish from certain designated ponds by using scuba gear	30 days/$500 fine
2001	§5-19.1-23	Makes it a crime to advertise a drug store without having a pharmacist available during business hours	1 year/$1,000 fine (for each day)
2006	§20-1-25	Makes it a crime to remotely shoot an animal over the Internet	90 days/$500 fine
2009	§11-44-13	Amends law barring the defacing of public monuments to also make it a crime to willfully "cover or keep covered" a monument	1 year/$500 fine
2014	§11-41-33	Makes it a crime to steal farm products	If farm product $250 or more: 5 years
2015	§5-37.2-19	Makes it a crime to conduct seminars on Oriental medicine in violation of regulations	1 year/$1,000 fine

CONCLUSION and RECOMMENDATIONS

In 2015, in one fell swoop, California Governor Jerry Brown vetoed nine bills that arrived at his desk. His veto message was identical for every one of those bills, and was short and to the point:

> *"Each of these bills creates a new crime -- usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.*
>
> *"Over the last several decades, California's criminal code has grown to more than 5,000 provisions covering every almost conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.*
>
> *"Before we keep going down this road, I think we should pause and reflect how our system of criminal justice could be made more human, more just and more cost-effective."*[80]

Rhode Island would benefit greatly from heeding this advice.

In the meantime, the ACLU of Rhode Island offers a number of recommendations for dealing with this significant criminal justice issue. Some are simple, some less so, but all are designed to ensure more rationality and fairness in a system that involves one of the most profound powers of the state – depriving its residents of their liberty:

1. **CREATE A COMMISSION TO RECODIFY THE CRIMINAL LAWS**.

To the best of our knowledge, it has been more than 40 years since the General Assembly engaged in a comprehensive review of the state's criminal laws. One way to address many of this report's findings *en masse* would be to establish a commission with the task of recodifying the state's criminal laws. The time has come for such an effort in order to restore some rationality to the criminal sentencing statutory process. The commission should be given the goal of recodifying those laws, reducing arbitrary penalties for crimes in general and readjusting the sentences for similar crimes in particular, re-examining whether certain criminal offenses should instead be amended to contain only civil penalties, and eliminating unnecessarily duplicative offenses that allow for stacking of criminal charges.

At the very least, if only as an interim measure, the General Assembly should appoint a commission to repeal obsolete and unconstitutional criminal statutes from the books. The General Laws are filled with archaic and unconstitutional criminal laws. Occasionally, they even get wrongly enforced – at a cost to taxpayers.[81] For a number of years, the Senate has passed legislation to create a commission with the goal of removing such statutes (as well as laws beyond the criminal context).[82] Unfortunately, the bill has never passed the House. Just as the state is making a concerted effort to repeal unnecessary laws and regulations that impact business in the state, our criminal justice laws surely deserve a similar look.

2. **REQUIRE PRISON IMPACT STATEMENTS WITH THE INTRODUCTION OF SENTENCING BILLS**.

It is extremely poor and unjustifiable policy to pass criminal laws with potentially severe fiscal (and social) consequences while turning a blind eye to that impact. The General Assembly routinely subjects to strict scrutiny social services-related legislation that will impact the state's finances. There is no reason for criminal sentencing legislation – which can add millions of dollars to the state budget – to get a free ride. A dozen or so states currently have laws or policies in place to address this issue through the requirement of "prison impact statements."

In fact, the "justice reinvestment" package approved by the Rhode Island Senate in 2017 contained such a provision,[83] but the House, regrettably, removed it before final passage. Rhode Island should join with other states that require the preparation of a fiscal impact statement before the introduction of any bill increasing prison sentences or creating new crimes. Legislators should not be able to continue to pass criminal sentencing laws without a transparent nod to the fiscal costs involved in doing so.

3. **REQUIRE RACIAL IMPACT STATEMENTS**.

The racial disparities in prison sentencing, in Rhode Island and across the country, are well established.[84] In response to this clear impact, a few states, including Connecticut, have taken the idea of "prison impact statements" one step further by requiring "racial impact statements" when sentencing bills are considered. Rhode Island should adopt a similar measure.

4. **RECLASSIFY FROM FELONIES TO MISDEMEANORS ANY CRIMES WITHOUT PRISON SENTENCES, OR WITH SENTENCES OF LESS THAN ONE YEAR**.

Because a felony is defined as any crime that carries a penalty of more than a $1,000 fine *or* more than one year in prison, there are crimes on the books that are not considered serious enough to warrant imprisonment – or imprisonment for more than a year – but that still tag the offenders as felons due to the amount of the fine imposed. The 2017 justice reinvestment package sought to remedy this problem by redefining a felony as consisting of only those offenses that authorized more than a year in prison,[85] but the House stripped that reform from the package. This revision should be passed.

5. **STOP PASSING NEW DUPLICATIVE CRIMINAL LAWS AND ENHANCED PENALTIES FOR VARIOUS PROPERTY AND OTHER CRIMES, OR AT LEAST REQUIRE A COMPELLING JUSTIFICATION FOR THEIR PASSAGE**.

As this report has noted, even as the General Assembly has taken steps to recognize the role of inflation in the dividing line between misdemeanors and felonies in the context of larceny, it continues to create exceptions for financial-related crimes that undermine that effort. The same is true for non-financial crimes. Passage of any bill that seeks to carve out enhanced penalties for a generic crime – such as larceny or assault – should require a written finding that special needs justify such a duplicative law or increased penalties and that its passage is likely to have a deterrent effect.

6. **RE-EXAMINE AND REVISE STATUTES THAT DISQUALIFY, AUTOMATICALLY OR PRESUMPTIVELY, INDIVIDUALS WITH FELONY RECORDS FROM EMPLOYMENT OR PROFESSIONAL LICENSING**.

The punishment facing ex-felons does not end once their sentence is completed. Instead, collateral consequences follow them wherever they go, deeply hindering their rehabilitation. One particularly insidious barrier are the dozens of state laws that either automatically or presumptively disqualify ex-offenders from a wide range of jobs or professional licenses. They should be reviewed and revised so that a past criminal record does not turn into a lifetime scarlet letter for potentially hundreds of jobs. At a minimum, the often-broad definition of what constitutes a "crime of violence" for disqualification purposes should be narrowed.

Other statutes disqualify people from licensing based on an open-ended "moral turpitude" standard. While the General Assembly, to its credit, has not passed a licensing law in years that contains this particular disqualification, the references to it that still exist, scattered throughout the General Laws, should be stricken.

7. **CHANGE THE "GET TOUGH ON CRIME" CULTURE TO ONE THAT IS "SMART ON CRIME."**

Creating more and more offenses and responding to high-profile individual crimes with increased sentences are very unproductive ways to deal with crime, as the evidence is scant that increased sentences have any effect on the crime rate. Whether for fiscal, social, pragmatic or humanitarian reasons, the General Assembly should spend more time considering all the adverse consequences that have arisen from a "get tough on crime" approach, and recognize that the time has come for a different, smarter approach.

Our criminal justice system is broken in many ways. Taking steps to address the "statehouse-to-prison pipeline" is an essential component to fixing that system, promoting fairness, and reining in the deep-seated problems of overcriminalization and mass incarceration. The ACLU of Rhode Island is hopeful that this report will generate a discussion that promotes reform of this system in accordance with our recommendations.

ENDNOTES

[1] Michele Ye Hee Lee, "Yes, U.S. Locks People Up at a Higher Rate Than Any Other Country," Washington Post, July 7, 2015. https://www.washingtonpost.com/news/fact-checker/wp/2015/07/07/yes-u-s-locks-people-up-at-a-higher-rate-than-any-other-country/?utm_term=.9aa0dfc4994f. In 2015, then-President Barack Obama noted that the United States, with 5% of the world's population, houses 25% of its imprisoned population. https://obamawhitehouse.archives.gov/blog/2015/07/15/president-obama-our-criminal-justice-system-isnt-smart-it-should-be. See also Kate Nagle, "Report: Rhode Island Prison Population Increased 250% Since 1980," *GoLocal Prov*, July 22, 2012: http://www.golocalprov.com/news/Report-Rhode-Island-Prison-Population-Increased-250-Since-1980

[2] See, e.g., Melissa S. Kearney and Benjamin H. Harris, "Ten Economic Facts About Crime and Incarceration in the United States," fig. 8, May 2014. https://www.brookings.edu/research/ten-economic-facts-about-crime-and-incarceration-in-the-united-states/. See also Kate Nagle, "RI Prison Population Spikes; Will Cost Millions to Budget," *GoLocal Prov*, October 7, 2014: http://www.golocalprov.com/news/ri-prison-population-spikes-will-cost-millions-to-budget

[3] See, e.g., "Overcrowding and Overuse of Imprisonment in the United States," American Civil Liberties Union (ACLU) Submission to the Office of the High Commissioner for Human Rights, May 2015. www.ohchr.org/Documents/Issues/RuleOfLaw/OverIncarceration/ACLU.pdf

[4] See, e.g., E. Ann Carson, Ph.D. and William J. Sabol, Ph.D., "Aging of the State Prison Population, 1993-2013," U.S. DOJ Bureau of Justice Statistics, May 19, 2016. https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5602. See also Flo Jonic, "The Silver Boom: Aging Behind Bars in RI," March 14, 2013: http://ripr.org/post/silver-boom-aging-behind-bars-ri#stream/0

[5] See, e.g., Ashley Nellis, "The Color of Justice: Racial and Ethnic Disparity in State Prisons," June 14, 2016. http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/. See also fn. 10, *infra*.

[6] https://www.coalitionforpublicsafety.org/

[7] *Palmigiano v. Garrahy*, 443 F.Supp. 956 (D.R.I. 1977); 700 F.Supp. 1180 (D.R.I. 1988); 737 F.Supp. 1257 (D.R.I. 1990) (selected citations).

[8] R.I.G.L. 42-26-13.3.

[9] See, e.g., ACLU of Rhode Island, "The School to Prison Pipeline in Black and White," February 2015. http://riaclu.org/images/uploads/School_to_Prison_Pipeline_in_Black_and_White_2015.pdf

[10] "General Assembly leaders support governor in launching Justice Reinvestment Working Group," July 20, 2015. http://www.rilin.state.ri.us/pressrelease/_layouts/RIL.PressRelease.ListStructure/Forms/DisplayForm.aspx?List=c8baae31-3c10-431c-8dcd-9dbbe21ce3e9&ID=10993

[11] "Senate passes package of McCaffrey bills to overhaul probation, parole system," June 14, 2016. http://www.rilin.state.ri.us/pressrelease/_layouts/RIL.PressRelease.ListStructure/Forms/DisplayForm.aspx?List=c8baae31-3c10-431c-8dcd-9dbbe21ce3e9&ID=11991

[12] "General Assembly passes package of bills to overhaul probation, parole system," September 19, 2017. http://www.rilin.state.ri.us/pressrelease/_layouts/RIL.PressRelease.ListStructure/Forms/DisplayForm.aspx?List=c8baae31-3c10-431c-8dcd-9dbbe21ce3e9&ID=13195. Two of the recommendations contained in this report – concerning the use of prison impact statements and the classification of felonies and misdemeanors – were approved by the Senate, but stripped out of the bills by the House.

[13] https://www.aclu.org/blog/mass-incarceration/congress-takes-much-needed-step-forward-over-criminalization

[14] https://www.nacdl.org/overcrim/

[15] http://www.heritage.org/report/the-extent-americas-overcriminalization-problem

[16] http://rightoncrime.com/category/priority-issues/overcriminalization/

[17] See fn. 15.

[18] See, e.g., Shayna Toh, "Rhode Island Increases Efforts to Tackle High Probation Rate," *Brown Daily Herald*, March 6, 2017. http://www.browndailyherald.com/2017/03/06/rhode-island-increases-efforts-tackle-high-probation-rate/. See also fn. 21.

[19] "The War on Marijuana in Black and White," American Civil Liberties Union, June 2013, p. 175. http://riaclu.org/news/post/aclu-report-shows-that-blacks-are-more-likely-to-be-arrested-for-marijuana/

[20] RIDOC, "RIDOC Overview Presentation: Roger Williams University Symposium," p. 22. (Providence: RIDOC, 2015). http://www.doc.ri.gov/docs/RIDOC%20Historical%20Overview.pdf

[21] Ibid., page 15.

[22] R.I. Department of Corrections, "Report on the Rhode Island Department of Corrections' Population FY 1976 - FY 2016," page 19. June 2017.

[23] The ACLU of RI wishes to thank Anthony Sinapi, Kyla Pecchia, Brittany Pagliarini, Valerie Merlina, Robert Downes and Jason MacKeen for their work in reviewing many of these laws while they were ACLU student chapter members at the law school.
[24] The adoption of new criminal laws, we found, can be buried in dense 50-page regulatory bills and 300-page budgets. Because at least a few of those may have been missed in this survey, we refrain from calling our review definitive.
[25] https://www.prisonpolicy.org/graphs/RI_Prison_Jail_Rate_1978-2015.html
[26] For reasons briefly noted in the Explanation of Appendices, *infra*, this can be considered a conservative number. Defining "new" crimes more broadly than we do in this report could significantly increase this number. The list of laws creating new crimes and increased penalties for existing crimes can be found in Appendices 1 and 2.
[27] Prior to 2012, when the General Assembly revised the general penalties for larceny, the threshold value of property or money taken that turned the offense from a misdemeanor into a felony was $500. P.L. 2012, ch. 137, §1; P.L. 2012, ch. 176, §1. See also fn. 29.
[28] For purposes of this report, we do not distinguish between misdemeanors and petty misdemeanors. See R.I.G.L. §11-1-2, which defines the various category of offenses: "Unless otherwise provided, any criminal offense which at any given time may be punished by imprisonment for a term of more than one year, or by a fine of more than one thousand dollars ($1,000), is declared to be a felony; any criminal offense which may be punishable by imprisonment for a term not exceeding one year, or by a fine of not more than one thousand dollars ($1,000), or both, is declared to be a misdemeanor; any criminal offense which may be punishable by imprisonment for a term not exceeding six (6) months or by a fine of not more than five hundred dollars ($500), or both, is declared to be a petty misdemeanor; and any offense which may be punished by only a fine of not more than five hundred dollars ($500) is declared to be a violation."
[29] R.I.G.L. §11-41-33. P.L. 2014, ch. 154, §1; P.L. 2014, ch. 166, §1.
[30] R.I.G.L. §11-41-5. P.L. 2017, ch. 344, §2; P.L. 2017, ch. 354, §2.
[31] William J. Stuntz, The Pathological Politics of Criminal Law, 100 Mich. L. Rev. 505, 594 (2001), cited in *Overcriminalization and the Constitution,* by Brian W. Walsh and Benjamin P Keane.
http://www.heritage.org/research/reports/2011/04/overcriminalization-and-the-constitution#_ftn24
[32] R.I.G.L. §11-41-25.1. P.L. 2006, ch. 340, §1; P.L. 2006, ch. 439, §1.
[33] "The Rhode Island Project: A Study of the Rhode Island Public Defender System and Attorney Workload Standards," p. 26. American Bar Association Standing Committee on Legal Aid and Indigent Defendants and the National Association of Criminal Defense Lawyers, November 2017. http://www.nacdl.org/rhodeislandproject
[34] *United States v. Nesbeth*, 188 F.Supp.3d 179, 185 (E.D.N.Y. 2016), footnotes omitted.
[35] An American Bar Association study of collateral consequences cites 291 Rhode Island laws or regulations that either allow or require disqualification based on a person's felony record. https://niccc.csgjusticecenter.org/search/?jurisdiction=42
[36] See R.I.G.L. §23-17-37, which lists "disqualifying [criminal record] information" for persons working at licensed health care facilities, and includes all "felony drug offenses." This statute is often referenced in other criminal record background check laws, and includes other non-violent crimes such as "felony larceny" and "felony banking violations" as disqualifying offenses. Even when this statute is not explicitly referenced, other background check laws often cite "felony drug offenses" as well. See, e.g., R.I.G.L. §23-1-52(c)(employees at adult day care programs).
[37] See, e.g., R.I.G.L. §5-3.1-12 (public accountancy license); R.I.G.L. §5-8.1-15 (land surveyors); and R.I.G.L. §5-25-14 (veterinarians).
[38] See ACLU of Rhode Island testimony explaining the problem with use of this phrase here:
http://riaclu.org/images/uploads/2012moralturpitudetestimony.pdf
[39] R.I.G.L. §11-66-1. P.L. 2006, ch. 581, §1; P.L. 2006, ch. 593, §1. The criminal penalty is a fine of between $1,000 and $5,000.
[40] R.I.G.L. §4-1-39. P.L. 2008, ch. 257, §1; P.L. 2008, ch. 414, §1. The criminal penalty is "at least" $1,000 per animal.
[41] P.L. 2004, ch. 336, §§1 and 5.
[42] P.L. 2001, ch. 319, §1.
[43] P.L. 2015, ch. 60, §1; P.L. 2015, ch. 64, §1.
[44] P.L. 2014, ch. 153, §1; P.L. 2014, ch. 170, §1.
[45] P.L. 2000, ch. 363, §1; P.L. 2000, ch. 520, §1.
[46] P.L. 2009, ch. 345, §1; P.L. 2009, ch. 346, §1.
[47] P.L. 2012, ch. 221, §1; P.L. 2012, ch. 233, §1.
[48] P.L. 2012, ch. 251; P.L. 2012, ch. 273.
[49] Legislation addressing the "war on drugs" has not completely escaped escalation. In 2014, for example, the General Assembly passed a new drug law containing some of the harshest penalties enacted in the 18 years

studied: a 50 year/$500,000 sentence merely for possessing one ounce or more of a substance containing a detectable amount of synthetic drugs. P.L. 2014, ch. 81, §1; P.L. 2014, ch. 90, §1.
[50] P.L. 2008, ch. 9, Article 7, §2.
[51] P.L. 2012, ch. 150; P.L. 2012, ch. 152. See, e.g., a letter from the ACLU of Rhode Island and the R.I. Public Defender, dated May 23, 2012, objecting to the bill. http://riaclu.org/legislation/bill/good-behavior-sentence-reductions-h-7112a-s-2179a/
[52] R.I.G.L. §23-18.6.1-17. P.L. 2007, ch. 476, §2.
[53] R.I.G.L. §11-47-20.4. P.L. 2012, ch. 135, §1; P.L. 2012, ch. 144, §1.
[54] R.I.G.L. §11-37.2-2. P.L. 2009, ch. 239, §1. P.L. 2009, ch. 240, §1.
[55] R.I.G.L. §11-44-13. P.L. 2009, ch. 326, §1; P.L. 2009, ch. 327, §1.
[56] R.I.G.L. §11-44-21.1. P.L. 2013, ch. 497, §1; P.L. 2013, ch. 508, §1.
[57] R.I.G.L. §11-41-33. P.L. 2014, ch. 154, §1; P.L. 2014, ch. 166, §1.
[58] R.I.G.L. §42-61.3-2(b)(6). P.L. 2013, ch. 106, §4; P.L. 2013, ch. 107, §4.
[59] R.I.G.L. §31-53-7. P.L. 2010, ch. 123; P.L. 2010, ch. 319.
[60] R.I.G.L. §11-67-6. P.L. 2015, ch. 42, §1; P.L. 2015, ch. 45, §1.
[61] R.I.G.L. §42-56-39.
[62] The "justice reinvestment" package approved by the Senate included a requirement for prison impact statements, one of this report's recommendations, but the House removed that provision before approving the package. http://webserver.rilin.state.ri.us/BillText/BillText17/SenateText17/S0009.pdf
[63] R.I.G.L. §23-18.6.1-17. P.L. 2007, ch. 476, §2.
[64] R.I.G.L. §11-47-20.4. P.L. 2012, ch. 135, §1; P.L. 2012, ch. 144, §1.
[65] R.I.G.L. §42-61.3-2(b)(6). P.L. 2013, ch. 106, §4; P.L. 2013, ch. 107, §4.
[66] R.I.G.L. §11-64-2. P.L. 2004, ch. 204, §2; P.L. 2004, ch. 206, §2.
[67] R.I.G.L. §21-28-4.01.1. P.L. 2014, ch. 81, §1; P.L. 2014, ch. 90, §1.
[68] R.I.G.L. §11-44-21.1. P.L. 2013, ch. 497, §1; P.L. 2013, ch. 508, §1.
[69] R.I.G.L. §31-27-22. P.L. 2007, ch. 121, §1; P.L. 2007, ch. 193, §1.
[70] R.I.G.L. § 31-27-2(d)(5)(ii). Obviously, in noting examples like these, we are not recommending increasing the penalties for the lesser crime, but instead to consider lowering the penalty for the higher one. Unfortunately, and consistent with this report's theme, however, it appears the General Assembly might think otherwise. See, e.g., http://webserver.rilin.state.ri.us/BillText/BillText17/SenateText17/S0539.pdf
[71] R.I.G.L. § 31-27-2(d)(2)(i).
[72] R.I.G.L. §11-5-16. P.L. 2001, ch. 74; P.L. 2001, ch. 201. To be fair, over the decades, the General Assembly has carved out more than 20 special exceptions to the general assault statute to address particular types of assaults or victims, including "assault and battery in the collection of a loan," "aggravated harassment of a deputy sheriff by an inmate," "assault of school teachers, school officials or other school department employees," and so on. See, e.g., R.I.G.L. §§11-5-6, 11-5-15, 11-5-7.
[73] In a similar vein, in 2017, and again over objections from the mental health community, the General Assembly made the "hazardous accumulation of animals," i.e., hoarding, a criminal offense, with the death of an animal in the owner's possession becoming a felony with a five year prison sentence. P.L. 2017, ch. 439, §1; P.L. 2017, ch. 444, §1.
[74] R.I.G.L. §11-5-17. P.L. 2014, ch. 483; P.L. 2014, ch. 546.
[75] Melanie Eversley, "Reports: Alleged Trend of 'Knockout Game' a Myth," USA Today, November 26, 2013: https://www.usatoday.com/story/news/nation/2013/11/26/knockout-game-myth/3729635/
[76] R.I.G.L. §20-1-25. P.L. 2006, ch. 594, §1.
[77] R.I.G.L. §31-22-11.7. P.L. 2000, ch. 123, §1.
[78] R.I.G.L. §20-6-30. P.L. 2001, ch. 412, §1.
[79] R.I.G.L. §5-37.2-19. P.L. 2015, ch. 140, §2; P.L. 2015, ch.150, §2. This offense was added to a section of the law that already criminalized the same conduct in the context of acupuncture.
[80] Patrick McGreevy, "With Strong Message Against Creating New Crimes, Gov. Brown Vetoes Drone Bills," Los Angeles Times, October 3, 2015: http://www.latimes.com/politics/la-me-pc-gov-brown-vetoes-bills-restricting-hobbyist-drones-at-fires-schools-prisons-20151003-story.html
[81] See, e.g., *Blakeslee v. St. Sauveur*, ruling unconstitutional a 1923 statute barring the distribution of anonymous political literature, and awarding the plaintiff attorneys' fees. http://riaclu.org/court-cases/case-details/blakeslee-v.-st.-sauveur/
[82] http://webserver.rilin.state.ri.us/BillText/BillText17/SenateText17/S0281.pdf
[83] http://webserver.rilin.state.ri.us/BillText/BillText17/SenateText17/S0009.pdf
[84] See fn.10, supra.
[85] http://webserver.rilin.state.ri.us/BillText/BillText17/SenateText17/S0011A.pdf

EXPLANATION of APPENDICES

The four appendices list changes in criminal sentencing laws made by the R.I. General Assembly since 2000. This study and the related appendices include only misdemeanors (including petty misdemeanors) and felonies. We have not included "violations," which are defined under the law as offenses for which the penalty is a fine of no more than $500. Under §11-1-2.1, "Conviction of a violation shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense."

The appendices examine only the penalties of prison and/or fines. They do not include other types of penalties, such as restitution, community service, or license suspension.

In some cases, a bill creates, repeals, or increases the sentence of more than one crime; if these crimes are codified in more than one section of the law, they are individually listed. On the other hand, if a bill created multiple crimes that were included in just one new section of law, generally only one entry has been made.

The breakdown of included information is as follows:

- **Year** – year that the legislation was passed (ranges from 2000-2017)
- **Chapter number** – refers to the officially enacted Chapter number of the law designated by the Office of Law Revision
- **Bill number** – details if it was either a House (H) or a Senate (S) bill
- **Crime** – brief summary of the crime amended, created, repealed, increased or expanded by legislation
- **Statute** – outlines if an existing statute was amended or if the bill created a new one
- **Category** – details if the crime is a misdemeanor or felony (see legend)
- **Sentence** – lists the maximum prison sentence and/or fine authorized by the offense.

Appendix A
Lists all new offenses created by legislation. In most instances, this involved creating an entirely new section of the General Laws; in others an existing statute was amended.

Appendix B
Outlines bills passed that increased the penalties (prison or fines only) for existing criminal laws.

Appendix C
Lists criminal laws for which the prison sentences or criminal fines were either repealed or reduced.

Appendix D
Outlines a small sampling of bills that expand the scope of current criminal laws so that more activity is criminalized. While the crimes in this chart, and others like them, could be considered "new" crimes, they are not included in Appendix A or, therefore, in our count of new crimes. Instead, we decided to highlight a handful of such laws in this manner to demonstrate that there is no bright line in determining what constitutes a "new" crime, but that the list in Appendix A could be increased quite a bit by including these types of laws.*

Legend:

Category	Explanation
N-M	New Misdemeanor
N-F	New Felony
N-M/F	New offense with both Misdemeanor and Felony penalties
N-M [Fine Only]	New Misdemeanor in which criminal sentence is only a fine
N-M/F [Fine Only]	New offense with both Misdemeanor and Felony penalties, but criminal sentence is only a fine
N-F [Fine Only]	New Felony in which criminal sentence is only a fine
Repeal	Statute was removed to repeal a crime
I-M	Criminal sentence for a Misdemeanor was Increased
I-F	Criminal sentence for a Felony was Increased
I-M/F	Criminal sentences for Misdemeanor and Felony were Increased
I-M to F	Crime was Increased from a Misdemeanor to a Felony
X-M	Statute expands scope of Misdemeanor crime
X-F	Statute expands scope of Felony crime

*By the same token, some of the crimes listed in Appendix A could be considered "expanded" crimes if the definition were to be stringently defined.

APPENDIX A: NEW OFFENSES

Year	Chapter Number	Bill Number	Crime	Statute Created or Amended	Category	Sentence
2000	429	H7295	Makes it a crime to falsify a certificate of authenticity or any similar written instrument for a work of fine art	Created 5-62-10	N - M	1 year/$1,000 fine
2000	149/272	S2327 H7692	Makes it a crime to access or disclose without authorization certain child support enforcement program information pertaining to an individual	Created 15-22-4	N - M	6 months/$1,000 fine (per dosclosure)
2000	56/73	S2210Aam H7139B	Makes it a crime for a service provider to violate rules regarding child restraints when it results in physical injury to the child	Created 42-72.9-8	N - M	6 months/$500 fine
2000	160/377	S2638A H7560A	Makes it a crime to commit a second offense of unlawfully affixing or distributing cigarette tax stamps (First offense is a violation)	Created 44-20-12.2	N - M	2nd offense: 1 year/$1,000 fine
2000	140	S2067B	Makes it a crime to violate a final order of the board of home inspectors	Created 5-65.1-13	N - M	1 year/$1,000 fine
2000	105	H7535B	Establishes various crimes of identity fraud	Created 11-49.1-4	N - F	1st Offense: 3 years/$5,000 fine 2nd offense: 5 years/$10,000 fine 3rd offense: 10 years/$15,000 fine
2000	245	H7003	Adds marshals and deputy marshals to a list of public officers that it is a crime to falsely impersonate	Amended 11-14-1	N - M	1 year/$1,000 fine
2000	157/446	S2666A H7381Aam	Makes it a crime to drive without applying for a license or after it has expired.	Amended 31-11-18	N - M	1st offense: 30 days/$500 fine 2nd offense: 1 year/$1,000 fine
2000	362/477	S2792 H7861	Makes it a crime to escape or attempt to escape from Wyatt Detention Facility	Created 11-25-1.1	N - F	3 years/$500 fine
2000	362/477	S2792 H7861	Makes it a crime to assault a Wyatt Detention Facility employee	Created 11-25-2.1	N - F	20 years
2000	362/477	S279 H7861	Makes it a crime to incite a riot or destroy property during a riot at the Wyatt Detention Facility	Created 11-38-6	N - F	10 years/$10,000 fine
2000	506	H7020Aam	Makes it a crime for an employer to obtain employee's prescription information from a pharmacy or other third parties without consent.	Amended 5-19-20	N - M	6 months/$1,000 fine
2000	123	H6858Aam	Makes it a crime for an adult who enters a school bus without permission to refuse to leave after being ordered to do so	Created 31-22-11.7	N - M	1 year/$1,000 fine
2000	158/285	S2664B H8005am	Makes it a crime to use a firearm while committing or attempting to commit a crime of violence, and establishes mandatory minimum sentences	Created 11-47-3.2	N - F	1st offense: Mandatory 10 years; 30 years if committed with machine gun 2nd offense: Mandatory 20 years; life if committed with a machine gun 3rd offense: Mandatory life

2000	158/285	S2664B H8005am	Makes it a crime to discharge a firearm while committing a crime of violence, and establishes mandatory minimum sentences	Created 11-47-3.2	N - F	Mandatory 10 years, if no injury; Mandatory 20 years, if person injured; Life, if a police officer is injured or a person dies
2000	208/221	S2508B H8375A	Makes it a crime for a licensed retail dealer to deliver a pistol without a safety lock	Created 11-47-60.3	N - F	5 years/$1,000 fine
2000	491	S3000Aam	Makes it a crime to assist or conspire to coerce an employee to misrepresent an employee's status for purposes of workers' compensation	Amended 28-33-17.3	N - F	1 year/$10,000 fine
2000	168/264	S2470B H7540Aam	Makes various changes to DUI law, including reducing unlawful BAC level from .1 to .08% and making the second offense of driving at that new level a crime	Amended 31-27-2	N - M	2nd offense: 1 year/$400 fine
2001	74/201	H5146A S156A	Makes it a crime to knowingly and willfully assault a health care provider or emergency medical services personnel	Created 11-5-16	N - F	3 years/$1,500 fine
2001	32/33	H6166Aam S119A	Makes it a crime to knowingly transmit a false distress call to a public safety agency	Created 46-22-9.6	N - M	1 year/$1,000 fine
2001	143	S962Aam	Makes it a crime to reproduce or transfer child pornography by any means	Created 11-9-1.3	N - F	15 years/$5,000 fine
2001	143	S962Aam	Makes it a crime to possess child pornography	Created 11-9-1.3	N - F	5 years/$5,000 fine
2001	215/272	S813A H5466A	Makes it a crime to harass or cause another person to be harassed via computer communications	Created 11-52-4.2	N - M/F	1st offense: 1 year/$500 fine 2nd offense: 2 years/$6,000 fine
2001	215/272	S813A H5466A	Makes it a crime to harass or cause another person to be harassed via computer communications while under a court order barring harassment of the victim	Created 11-52-4.3	N - F	1st offense: 2 years/$6,000 fine 2nd offense: 5 years/$10,000 fine
2001	79/219	H5880Aam S761Aam	Creates occupancy load requirements in buildings for purposes of assembly, and makes violations a crime	Created 11-11-7	N - M/F [Fine Only]	1st Offense: $500 fine [labeled petty misdemeanor]; 2nd offense: $1,000 fine; 3rd offense: $1,500 fine
2001	412	S631A	Makes it a crime to take shellfish from certain designated ponds by using scuba gear	Created 20-6-30	N - M	30 days/$500 fine
2001	282	H5328	Makes it a crime to manufacture, sell, offer for sale, distribute or possess a theft detection shield device, or to unlawfully remove a theft detection device	Created 11-63-3	N - M	1 year/$1,000 fine
2001	276	H5398am	Makes it a crime to transfer an asset for the purpose of avoiding payment of a child support order, or to receive or conceal an asset of another knowing it is for that purpose	Created 6-16-8.1	N - F	2 years/$5,000 fine
2001	305	S936A	Establishes penalties for breach of Scituate Water District by-laws	Not codified	N - M	30 days/$100 fine
2001	131/161	S100A H5993am	Makes various changes to DUI law in the operation of watercraft, including reducing the unlawful BAC level from .1 to .08% and making the second offense of operating at that new level a crime	Amended 46-22.2-3	N - M	2nd offense: 1 year/$400 fine

2001	60	H5299A	Makes it a crime to advertise a drug store without having a pharmacist available during business hours	Created 5-19.1-23	N - M	1 year/$1,000 fine (for each day)
2001	60	H5299A	Makes it a crime to practice pharmacy without a license	Created 5-19.1-27	N - M [Fine only]	$500 fine [designated misdemeanor]
2002	410	S2493Aam	Makes it a crime for a commercial dealer to sell an improperly retrofitted children's product previously declared unsafe.	Created 23-75-8	N - M	1 year/$1,000 fine
2002	143/179	H7269A S2328	Any willful and unjustified refusal of right of entry and inspection to DEM personnel pursuant to an administrative warrant constitutes contempt of court	Amended 42-17.1-2	N	6 months/$10,000 fine
2002	187/188	H8230 S2813Aam	Makes it a crime for a property owner to knowingly fail to abate a lead hazard when it leads an at-risk occupant to have a certain blood lead level	Created 23-24.6-23	N - F	5 years/$20,000 fine
2002	115	S2145A	Requires retailers to affix removable tags to kegs of beer, and creates penalties for violations	Created 3-8-15	N - M	6 months/$1,000 fine
2002	421	S2416A	Authorizes DEM to establish temporary marine safety zones, and establishes penalties for violations	Created 46-22-13.1	N - M	1 year/$1,000 fine
2002	182	S2697	Creates a regulatory process for the operation of public motor vehicles, and establishes penalties for violations	Created 39-14.1-9	N - M	1 year/$1,000 fine
2002	47	S2771A	Makes it a crime to forge or counterfeit a commercial fishing license	Created 20-2.1-4	N- M	90 days/$500 fine
2003	87/88	H5452B S249Aam	Makes it a crime rather than a civil violation for a person to be driving with a BAC level between .08% and .10%	Amended 31-27-2	N - M	1 year/$300 fine
2003	151/157	S824 H5850	Establishes the athlete agent registration act, and makes it a crime to violate certain provisions	Created 5-74-8	N - M	1 year/$500 fine
2003	208/367	H5254Aam S17am	Revises law making it a crime to willfully fail to pay child support, by lowering the threshold amount of overdue support from $30,000 to $10,000	Amended 11-2-1.1	N - F	5 years
2003	106/107	S1132Aam H6141Aam	Contempt of court to unlawfully refuse entry to a fire marshal pursuant to an administrative warrant	Created 23-28.2-20	N	6 months/$10,000 fine
2003	106/107	S1132Aam H6141Aam	Establishes penalties for unlawful use or display of commercial fireworks or pyrotechnics	Amended 23-28.11-9	N - F	5 years/$1,000 fine
2003	60/71	H6031 S452	Adds DEM employees responsible for administrative inspections to list of public officials against whom it is a designated crime to commit an assault	Amended 11-5-5	N - F	3 years/$1,500 fine
2003	253/308	H6110A S717A	Creates a dozen various crimes relating to the operation of civil aircraft	Created 1-4-10.2	N - M	1 year/$500 fine

2004	194/204	S2129B H7000B	Creates crime of criminal negligence causing serious bodily injury	Created 11-5-2.2	N - F	$10 years/$10,000 fine
2004	202/206	S2902A H7655A	Makes it a crime to engage in "video voyeurism"	Created 11-64-2	N - F	3 years/$5,000 fine
2004	586/612	H7751B S3215A	Creates crime of indecent solicitation of a child	Created 11-37-8.9	N - F	Not less than 5 years
2004	340	H7333A	Makes underage possession of alcohol a misdemeanor instead of a violation	Amended 3-8-10	N - M [Fine only]	1st offense: $750 fine
2004	297/375	H7150Aam S2478Bam	Requires reporting of executive branch and public corporation lobbying, and establishes penalties for violations	Created 42-138-8	N - M/F [Fine Only]	For entities: $5,000 fine For lobbyists: $1,000 fine
2004	594	S2338Aam	Makes it a crime for a person on a list of excluded or ejected persons to knowingly enter a gaming establishment	Created 41-9.1-26	N - M	6 months/$500 fine
2004	594	S2338Aam	Makes it a crime to knowingly make false statements in a gaming application	Created 41-9.1-29	N - F	5 years/$10,000 fine
2004	594	S2338Aam	Makes it a crime to use a device to obtain an advantage at a casino game	Created 41-9.1-30	N - M	1 year/$1,000 fine
2004	594	S2338Aam	Makes it a crime to knowingly use or possess cheating devices or counterfeit chips at a casino	Created 41-9.1-31 and 41-9.1-32	N - F	5 years/$10,000 fine
2004	594	S2338Aam	Makes it a crime to "skim" gaming proceeds	Created 41-9.1-33	N - F	If skimming is less than $1,000: 5 years/$5,000 fine If skimming is $1,000 or more: 20 years/$10,000 fine
2004	594	S2338Aam	Makes it a crime to conduct a gaming operation without a license or knowingly provide false information to gaming commission	Created 41-9.1-36 [Repealed and revised in 2013]	N - F	10 years/$100,000 fine
2004	594	S2338Aam	Makes it a crime to promise, or accept a promise of, anything of value to affect the outcome of a gambling game	Created 41-9.1-36	N - F	10 years/$100,000 fine
2004	594	S2338Aam	Establishes penalties for various other activities relating to gambling	Created 41-9.1-36	N - M	1 year/$10,000 fine [designated misdemeanor]
2005	346/392	S721 H5677	Establishes penalties for knowingly failing to comply with age verification requirements for delivery sales of cigarettes	Created 44-20.1-8	N - F	5 years/$10,000 fine
2005	244/246	S985Bam H6277am	Makes it a crime to sell specified dietary supplements to minors	Created 11-9-21	N - M	1 year/$1,000 fine
2005	442/443	S710B H6052Aam	Prohibits the disclosure of confidential information regarding medical marijuana patients	Created 21-28.6-6	N - M	180 days/$1,000 fine

2005	159/226	S1137Aam H6551A	Establishes various crimes relating to violations of the nursing facilities receivership act	Created 23-17.11-12	N - M	1 year/$1,000 fine
2005	162/164	S44Bam H5262Aam	Makes it a crime to unlawfully use recording devices at movies	Created 11-65-2	N - M	1 year/$1,000 fine
2005	94/108	S586A H5343am	Makes it a crime to threaten or coerce a public official through the use of simulated legal process	Created 11-42-5	N - F	5 years/$5,000 fine
2005	379	H5045	Amends law barring people from driving after license was suspended for certain reasons to include situations where the person never applied or whose license has expired	Amended 31-11-18.1	N - M/F	2nd offense: 1 year/$500 fine 3rd offense: At least 1 year
2006	581/593	S3052A H8009A	Makes it a crime to injure or tamper with a fire hydrant in Providence	Created 11-66-1	N - F [Fine only]	$5,000 fine
2006	594	H8171Aam	Makes it a crime to remotely shoot an animal via the Internet	Created 20-1-25	N - M	90 days/$500 fine
2006	242/287	S2777A H7650	Creates law regulating mortgage foreclosure consultants, and establishes penalties for violations	Created 5-79-7	N - F	1 year/$10,000 fine
2006	242/287	S2777A H7650A	Creates penalties for foreclosure purchaser who engages in fraud or deceit upon a foreclosed homeowner	Created 5-80-9	N - F	1 year/$50,000 fine
2006	340/439	S3065A H6866	Creates crime of motor fuel theft	Created 11-41-25.1	N - M/F	If theft is $500 or less: 1 year/$500 fine If theft is more than $500: 10 years/$5,000 fine
2006	235	S2072A	Makes second and third offenses of a driver's refusal to submit to a chemical test a misdemeanor rather than a violation	Amended 31-27-2.1	N - M	2nd conviction within 5 years: 6 months/$1,000 fine. 3rd conviction: 1 year/$1,000 fine
2006	206/207	S2058B H7040Bam	Requires GPS monitoring of certain sex offenders, and makes it a crime to violate the conditions of that monitoring	Created 11-37-8.2.1	N - M	1 year/$1,000 fine
2006	206/207	S2058B H7040Bam	Makes it a crime to assist a sex offender in evading GPS monitoring requirements	Created 11-37-8.2.1	N - F	5 years
2006	206/207	S2058B H7040Bam	Makes it a crime to tamper with or destroy sex offender GPS monitoring equipment	Created 11-37-8.2.1	N - F	5 years
2006	206/207	S2058B H7040Bam	Makes it a crime to knowingly allow a sex offender in violation of GPS monitoring requirements to reside in one's home	Created 11-37-8.2.1	N - F	5 years/$5,000 fine
2006	226/270	H7148Aam S2361Aam	Creates penalties for the knowing unlawful disclosure of social security numbers	Created 6-48-8	N - M	30 days/$5,000 fine (labeled misdemeanor)
2006	585	H72224	Makes it a crime to fail to stop and give aid in an accident not involving serious injury	Created 31-26-3.3	N - M [Fine only]	$1,000 fine

2006	239/245	H8183A S2188A	Makes it a crime to procure or sell confidential telephone record information	Created 39-2-24	N - M/F	1-10 records: 1 year/$1,000 fine More than 10 records: Felony [undefined sentence]
2006	586	H7320A	Adds out-of-state police to to a list of public officers that it is a crime to falsely impersonate	Amended 11-14-1	N - M	1 year/$1,000 fine
2007	311	H5774A	Makes it a crime to deface private property	Created 11-44-21.1	N - M [Fine only]	1st offense: $500 fine [designated misdemeanor] 2nd offense: $1,000 fine
2007	123/217	S692B H5881A	Makes it a crime to knowingly subject, attempt to subject, or engage in a conspiracy to subject another person to forced labor in order to commit a commercial sexual activity	Created 11-67-2	N - F	20 years/$20,000 fine; If victim between 17-18, 30 years/$30,000 fine; If victim under 17, 40 years/$40,000 fine
2007	123/217	S692B H5881A	Makes it a crime to recruit persons into forced labor in order to commit a commercial sexual activity, or to benefit from participation in such a venture	Created 11-67-3	N - F	20 years/$20,000 fine
2007	476	S729Aam	Makes it a crime to intentionally falsify documents relating to anatomical gifts for financial gain	Created 23-18.6.1-17	N - F	5 years/$50,000 fine
2007	121/193	S783B H6014A	Revises crime of "street racing" and creates penalties for racing with one or more passengers in the motor vehicle	Created 31-27-22	N - F	5 year enhanced sentence/$5,000 fine
2007	121/193	S783B H6014A	Makes it a crime to drive so as to endanger, resulting in physical injury	Created 31-27-1.2	N - F	2 years
2007	427	S34A	Makes it a crime to engage in the unlicensed business of debt collection	Created 19-14.9-13	N- F	1 year/$2,000 fine
2007	183/212	H5124am S342A	Amends law against disturbing public assemblies to include military funerals or memorial services	Amended 11-11-1	N - M	1 year/$500 fine
2008	129/200	H7222Bam S2531A	Makes second offense of manufacturing or distributing a false identification card a crime (First offense is a violation)	Created 3-8-6.3	N - M/F [Fine only]	2nd offense: $1,000 (per incident) 3rd offense: $2,000 (per incident)
2008	257/414	H8425 S2566A	Makes it a crime to transport or shelter horses on a vehicle with two or more levels stacked on top of one another.	Created 4-1-39	N - M/F [Fine Only]	1st offense: Not less than $500 fine 2nd offense: Not less than $1,000 fine
2008	467	H7363	Makes it a crime to engage in the online sale of stolen property	Created 11-52.3-5	N - M/F	If property is worth less than $500: 1 year/$1,000 fine If property is worth $500 or more: 10 years/$5,000 fine
2008	189	S2328am	Makes it a crime for a sex offender to knowingly reside within 300 feet of a school	Created 11-37.1-10	N - F	5 years/$5,000 fine
2008	161/204	H7176A S2501A	Creates crime of exploitation of elders	Created 11-68-3	N - F	If funds valued at less than $500: 5 years/$5,000 fine If funds valued at $500-$100,000: 15 years/$10,000 fine If funds valued over $100,000: 30 years/$15,000 fine
2008	74/344	S2369B H7522A	Makes it a crime to possess, import, etc. non-native freshwater invasive aquatic plants	Created 20-1-26	N - M	90 days/$500 fine

2008	372	S2489	Makes it a crime to have an historical building, or a portion of an historical building, demolished without the requisite permits	Amended 45-24.1-10	N - M	1 year/$500 fine
2008	103	S2745am	Makes numerous revisions to the alcohol boating safety act, including making second and third offenses of refusing to take a breathalyzer test a crime instead of a civil offense.	Amended 46-22.2-5	N - M	6 months/$600 fine for second offense within a five year period
2008	103	S2745am	Makes it a crime to operate a watercraft under the influence with any child younger than 13 years old in the craft	Amended 46-22.2-3	N - M	1 year
2008	103	S2745am	Makes it a crime to operate a watercraft after having been previously barred from doing so for violations of the alcohol boating safety act	Amended 46-22.2-3	N - M	1 year/$400 fine
2008	171/466	S2679Aam H7409Aam	Establishes a health information exchange and makes it a crime to violate patient confidentiality provisions	Created 5-37.7-13	N - F	1 year/$10,000 fine (fine per patient)
2008	364	H8279	Makes it a crime to register as a contractor for the purpose of enabling a person whose registration has been suspended or revoked to conduct business	Amended 5-65-10	N - F	1 year/$10,000 fine
2008	100	H7390AAam, Art. 16	Makes it a crime to unlawfully release confidential records relating to public assistance	Created 40-5.2-26	N - M	6 months/$200 fine
2008	129/200	H7222Bam S2531A	Makes transportation of alcoholic beverages by an underage person a criminal offense, rather than a violation, for a third offense	Amended 3-8-9	N - M	Third offense: $950 fine.
2009	185/186	H5044B S596Bam	Revises and expands the scope of activities that constitute prostitution	Created 11-34.1-2, 11-34.1-3	N - M	Various misdemeanor sentences
2009	120/141	H5006A S272	Makes it a crime to defraud the administration of a drug or alcohol test or to give, manufacture or sell any item or device for that purpose	Created 11-18-33	N - M	1 year/$1,000 fine
2009	239/240	H5737 S572	Makes it a crime to knowingly violate a protective order issued on behalf of a victim of sexual assault	Created 11-37.2-2	N - M	1 year/$1,000 fine
2009	188/192	H5661B S605B	Expands law regarding sex trafficking of a minor to include "sexually explicit performances"	Created 11-67-6	N - F	40 years/$40,000 fine
2009	188/192	H5661B S605B	Creates penalties for obstructing or interfering with enforcement of the law barring sex trafficking of a minor	Created 11-67-6	N - F	20 years/$20,000 fine
2009	326/327	H5560 S932	Amends law barring the defacing of public monuments to also make it a crime to willfully "cover or keep covered" a monument	Amended 11-44-13	N - M	1 year/$500 in prison
2010	148/150	H7782A S2311A	Makes it a crime to file a false statement to fraudulently obtain a driver's license or registration	Created 11-18-1.3	N - M	1 year/$1,000 fine
2010	308/313	S2989 H7155Aam	Makes it a crime to distribute a controlled substance to someone without their knowledge with intent to commit a crime of violence.	Created 21-28-4.07.2	N - F	10 years

2010	123/319	H7031am S2514am	Makes it a crime to install an airbag in a motor vehicle that does not meet federal safety standards or to misrepresent the presence of an airbag when one does not exist.	Created 31-53-4	N - F	2 years/$2,000 fine
2010	123/319	H7031am S2514am	Makes it a crime to install an airbag in a motor vehicle that does not meet federal safety standards or to misrepresent the presence of an airbag when one does not exist, resulting in serious bodily injury or death.	Created 31-53-4	N - F	10 years/$100,000 fine
2010	123/319	H7031am S2514am	Makes it a crime to knowingly possess, sell or install a stolen motor vehicle airbag	Created 31-53-5	N - F	Felony [unspecified penalties]
2010	123/319	H7301am S2514am	Makes it a crime to fail to maintain complete records relating to automobile airbag salvaging	Created 31-53-5	N - M	1 year/$1,000 fine
2010	123/319	H7031am S2514am	Makes it a crime to sell or trade a motor vehicle knowing that the airbag is inoperable	Created 31-53-7	N - F	2 years/$2,000 fine
2010	102/318	H7118A S2636am	Makes it a crime to drive under the influence of drugs or alcohol while license is suspended, revoked or cancelled.	Amended 31-27-2	N - F	3 years/$3,000 fine
2011	194/207	H5522am S92B	Makes it a crime to possess an animal after being ordered not to do so upon a previous conviction or plea to a crime of animal cruelty	Created 4-1-40	N - M	1 year/$1,000 fine
2011	74/81	H6041A S817A	Adds constables to list of police officers and other officials against whom it is a designated crime to assault	Amended 11-5-5	N - F	3 years/$1,500 fine
2011	378	H5016A	Makes it a crime to trespass on utility property after having been forbidden to do so	Created 11-35-29	N - M	1 year/$1,000 fine
2011	78/83	H5660A S676A	Makes it a crime for a prisoner to possess a portable electronic communications device	Created 11-25-14.1	N - F	5 years/$5,000 fine
2012	128/180	S2666 H7503	Makes it a crime to counterfeit a registration plate or special use car ID tag, or to knowingly possess one	Created 11-17-1.2	N - M	1 year/$500 fine
2012	353	S2192Aam	Makes it a crime to operate on the tail of a bovine	Created 4-1-6.1	N - M	1 year/$500 fine
2012	135/144	S2685Aam H7837Aam	Makes it a crime to possess, own or purchase body armor if the person has been previously convicted of a felony crime of violence.	Created 11-47-20.4	N - F	3 years/$5,000 fine
2012	278/284	S2147Aam H7242A	Creates crime of domestic assault by strangulation	Created 11-5-2.3	N - F	10 years
2012	292	H8124Aam	Makes it a crime to carry or possess a crossbow with the intent to use unlawfully against another	Amended 11-47-42	N - M	1 year/$1,000 fine
2012	301/358	H7663A S2035A	Makes it a crime to improperly tether a dog, or fail to provide adequate food or veterinary care	Created 4-13-42	N - M	11 months/$500 fine (each day violation a separate offense)

2012	453	H7039am	Makes it a crime to knowingly violate any provision of a statute relating to awards of municipal contracts	Created 45-55-17	N - M	1 year/$500 fine
2012	150/152	S2179A H7112A	Eliminates "good time" eligibility for inmates serving certain felony offenses	Amended 42-56-24		
2013	189/239	S79A H5162Aam	Creates procedures for the selling and purchasing of certain regulated metals, and establishes penalties for violations	Created 6-11.2-11	N - M	1 year/$500 fine
2013	327/392	H5322A S554A	Amends law against impersonating a public officer to include Attorney General and designated AG employees	Amended 11-14-1	N - M	1 year/$1,000 fine
2013	327/392	H5322A S554A	Bars fraudulent use of Attorney General emblem	Created 11-15-4.1	N - M	1 year/$500 fine
2013	455/464	S860A H5991A	Creates crime of knowing possession of a stolen firearm	Created 11-47-5.2	N - F	15 year sentence
2013	318/431	H5426 S177	Bars devocalization or declawing of animals as a requirement for property occupancy	Created 4-1-41	N - M [Fine only]	$1,000 fine
2013	106/107	H6221am S979Aam	Specifies 18 types of prohibited activities relating to casino gambling; expands upon and repeals prior statutes	Creates 42-61.3-2	N - F [Also I]	10 years/$100,000 fine for all violations. Earlier statute had other, usually smaller, sentences and fines for some offenses
2013	326/404	H5325A S454A	Adds various synthetic drugs to the list of Schedule I controlled substances	Amended 21-28-2.08	N - F	Various felony penalties
2014	506	H7764Aam	Makes it a crime for sex offenders to be employed in, or operate, "child safe zones"	Created 11-37.3-2 and 11-37-3.-3	N - F	5 years/$5,000 fine
2014	506	H7764Aam	Makes it a crime for a person to knowingly hire a sex offender to work in a "child safe zone"	Created 11-37.3-2	N - M/F [Fine Only]	$1,000 fine for every day that the offender is employed
2014	202/215	H7845A S2624A	Creates the crime of online impersonation	Created 11-52-7.1	N - M/F	1st offense: 1 year/$1,000 fine 2nd offense: 3 years/$3,000 fine
2014	416/448	H7766A S2610A	Makes it a crime to electronically disseminate indecent materials to minors	Created 11-9-1.5	N - F	5 years/$5,000 fine
2014	483/546	S2598 H8325	Creates crime of assault or battery for the purpose of making a person unconscious	Created 11-5-17	N - F	3 years/$1,500 fine
2014	154/166	S2643A H7619A	Makes it a crime to steal farm products	Created 11-41-33	N - M/F	If farm product less than $250: 1 year/$1,000 fine If farm product $250 or more: 5 years/$5,000 fine
2014	263/311	H7457am S2639am	Creates enhanced penalties for committing a felony for the benefit of a "criminal street gang"	Created 12-19-39	N - F	Enhancement of up to ten years consecutive sentence from underlying crime

2014	262/320	H7496A S2312A	Makes it a crime to confine an animal in a motor vehicle under dangerous conditions	Created 4-1-3.2	N - M	1 year/$1,000 fine
2014	68/71	S2651 H7191	Makes it a crime to possess, sell, distribute, etc. salvia divinorum or datura stramonium or their extracts	Amended 21-28-4.01	N - M	1 year/$1,000 fine
2014	326	S2231A	Creates penalties for drivers who violate an ignition interlock order, tamper with the interlock, etc.	Amended 31-27-2.8	N - M	1 year/$1,000 fine
2015	23	S681A	Makes it a crime for a candidate to fail to maintain a separate campaign account	Amended 17-25-5.2	N - M	1 year/$1,000 fine
2015	44/46	S627 H5370	Amends statute banning threats to public officials to include threats to magistrates	Amended 11-42-4	N - F	5 years/$5,000
2015	140	S234B	Makes it a crime to conduct seminars on Oriental medicine in violation of regulations	Amended 5-37.2-19	N- M	1 year/$1,000 fine
2015	140	S234B	Makes it a crime to practice Oriental medicine without a valid license	Amended 5-37.2-20	N - M	1 year/$1,000 fine
2015	219/240	S754A H6025A	Makes it a crime for a Level III sex offender to reside within 1,000 feet of a school	Created 11-37.1-10	N - F	5 years/$5,000
2016	11/12	H7026A S2059	Makes it a crime to possess or sell powered alcohol	Created 3-8-17	N - M	$1,000 fine
2016	39/41	S2596A H7002A	Makes it a crime to conceal an electronic tracking device on a vehicle without consent	Created 11-69-1	N - M	1 year/$1,000 fine
2016	66/70	S2676A H7440	Makes it a crime to trade in shark fins	Created 20-1-29	N - M	90 days/$1,000 fine
2016	124/133	S2056A H7063A	Makes it a crime to supply powdered caffeine to someone under 21 years of age	Created 21-37-3	N - M/F	2nd offense: 1 year/$1,000 fine 3rd offense: 3 years/$3,000 fine
2016	212/214	S2492A H7283A	Creates crime of unlawful transfer of a firearm to a person to evade domestic violence laws	Created 11-47-5.3	N - F	5 years/$1,000 fine
2016	338/358	S2567A H7441A	Creates offense of bringing a domestic animal to the veterans' cemetery	Created 30-25-14	N - M	Not less than $500 fine
2016	377/499	S2040A H7203	Makes it a crime to allow a prohibited EBT transaction at a store	Created 11-41-34	N - F	2nd offense $2,500 fine 3rd offense: Felony and not less than $2,500
2016	437/438	H8327 S2061	Makes it a crime to purchase an "alcohol without liquid" device	Created 3-8-17	N	Penalty unspecified

2016	488/490	S2801 H7831	Creates crime of operating a pet shop or kennel without a valid license	Amended 4-19-11.3	N - M	$1,000 fine for second and subsequent offenses
2016	506	H8197	Makes it a crime to use bullhooks on elephants	Created 4-1-43	N - F	1 year/$5,000 fine
2017	53/59	S812 H5738	Adds various drugs to the list of Schedule I and II controlled substances	Amended 21-28-2.08	N - F	Various felony penalties
2017	133/146	S835A H5695A	Makes it a crime to engage in residential mortgage fraud	Created 11-18-44	N - F	10 years/$10,000 fine. Engaging in pattern of fraud: 20 years/$100,000 fine. Commiting fraud against a vulnerable person: 15 years/$15,000 fine
2017	187/265	H5326 S928	Makes it a crime to keep dogs outside in adverse weather conditions	Created 4-13-42	N - M	11 months/$500 fine per day
2017	230/329	H5474A S327A	Makes it a crime to falsely claim to be a naturopathic doctor	Created 5-36.1-4	N - M	1 year/$500 fine
2017	374/385	H5510Bam S405Aam	Creates crime of unlawful transfer of firearm to person restrained under a domestic abuse protective order in district court	Created 8-8.1-3	N - F	5 years/$1,000 fine
2017	374/385	H5510Bam S405Aam	Expands offenses for which possession of firearms is illegal	Created 11-47-5	N - F	10 years
2017	374/385	H5510Bam S405Aam	Creates crime of unlawful transfer of firearm to person under domestic abuse protective order in family court	Created 15-15-3	N - F	5 years/$1,000 fine
2017	436/437	S230/H5854	Makes it a crime to assault a delivery person	Created 11-5-3.1	N - F	3 years/$3,000 fine; 20 years for use of a dangerous weapon
2017	439/444	S390Aam H5882am	Makes it a crime to have a "hazardous accumulation of animals"	Amended 4-1-3	N - M/F	11 months /$500 fine 5 years/$1,000 fine if an animal dies
2017	302, Art. 8	H5175Aam	Creates crime of knowingly suppressing sales by engaging in remote data manipulation	Amended 44-19-42	N - F	5 years/$50,000 fine
2017	302, Art. 8	H5175Aam	Makes it a crime for a tobacco dealer sell tobacco products without a license (previously a civil offense)	Amended 44-20-3	N - M	1 year/$10,000 fine [designated misdemeanor]
2017	232/260	H5300A S73Aam	Makes it a crime to patronize a victim of sexual servitude	Created 11-67.1-6	N - F	10 years/$10,000 fine if victim is an adult; 20 years/$20,000 fine if victim is a minor
2017	232/260	H5300A S73Aam	Makes it a crime to patronize a minor for commercial sexual activity	Created 11-67.1-7	N - F	10 years/$20,000 fine

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APPENDIX B: INCREASED PENALTIES

Year	Chapter Number	Bill Number	Crime	Statute Created or Amended	Category	Sentence
2000	158/285	S2664B H8005am	Increases maximum penalty for larceny of a firearm, while removing mandatory sentencing for the offense.	Amended 11-47-5.1	I - F	Increased from 5 years to 10 years
2000	158/285	S2664B H8005am	Increases penalties for selling or delivering firearms to minors	Amended 11-47-30	I - F	Increased from 5 years to 20 years
2000	158/285	S2664B H8005am	Increases penalties for selling or delivering ammunition to minors	Amended 11-47-31	I - F	Increased from 5 years to 10 years
2002	183	S2935A	Increases penalty for stalking	Amended 11-59-2	I - M to F	Increased from 1 year/$1,000 fine to 5 years/$5,000 fine
2002	47	S2771	Increases penalty for conducting aquaculture activities in excess of those authorized by an aquaculture permit, or damaging an area subject to an aquaculture permit	Amended 20-10-16	I - M Only Fine Increased	Increased fine from $500 to $1,000. [Unchanged: 1 year in prison]
2003	388/395	H5600A S626Bam	Increases penalty for conspiring to coerce an employee to misrepresent their status for purposes of workers' compensation	Amended 28-33-17.3	I - F	Increased from 1 year to 2 years in prison
2003	388/395	H5600A S626Bam	Increases penalties for an employer to knowingly fail to secure workers' compensation	Amended 28-36-15	I - M to F	Increased from $1,000 fine to 2 years in prison
2003	162/170	S480A H6101A	Increases penalties for failing to register or verify one's address under sex offender registration law	Amended 11-37.1-10	I - F	Increased from 2 years/$2,000 fine to 10 years/$10,000 fine
2004	451	H7147	Increases minimum punishment for kidnapping of a minor	Amended 11-26-1.4	I - F	Increased from 10 years-life to 20 years-life.
2004	207/413	H8309Bam S2420Bam	Increases penalties for failure to file legislative lobbying reports	Amends 22-10-11	I - F Only Fine Increased	For entities: Increased from $1,000 fine to $2,000 fine For lobbyists: Increased from $5,000 fine to $10,000 fine
2006	169/196	S2185am H7228am	Revises penalties for abuse or neglect of adults with severe impairments	Amended 11-5-12	I - F	Increased from 1 year to 5 years [Fine reduced from $3,000 to $2,000]
2006	359/503	S2660 H8203	Revises penalties for wage violations by contractors	Amended 37-13-12.4	I - M Only Fine Increased	Increased from $100 fine to $1,000 fine. [Unchanged 10-90 days imprisonment]
2006	648	H8245Aam	Increases penalties for violating a final order of the contractors registration board, or failing to register as a contractor	Amended 5-65-19	I - M to F	1st offense: Increased from 1 year/$1,000 fine to 1 year/$5,000 fine 2nd offense: Increased fine to $10,000 3rd offense: 5 years/$10,000 fine
2006	206/207	S2058B H7040Bam	Increases penalty for first degree child molestation sexual assault	Amended 11-37-8.2	I - F	Increased from a minimum of 20 years to a minimum of 25 years
2006	230/272	H7071A S2189Aam	Increases penalties for furnishing, procuring or permitting consumption of alcohol beverages by minors	Amended 3-8-11.2	I - M to F	3rd offense: increased from 6 months/$1,000 fine to 1 year/$2,500 fine

2007	187/213	H5745 S332	Increases penalties for violations of law relating to hazardous waste disposal	Amended 23-19.1-18	I - F Only Fine Increased	Increased fine from $10,000 to $25,000. [Unchanged: 5 year prison sentence]
2008	129/200	H7222Bam S2531A	Increases penalties for third offense of furnishing alcoholic beverages to an underage person	Amended 3-8-11.2	I - M to F	Increased from 1 year to 3 years
2008	135/203	H7424Aam S2502Aam	Increases penalty and revises crime of enticement of children with intent to engage in illegal conduct	Amended 11-26-1.5	I - M to F	Increased from 6 months/$1,000 fine to 5 years/$5,000 fine
2008	183	S2916Aam	Revises and increases penalties for the disorderly conduct crime of indecent exposure	Created 11-45-2; Repealed 11-45-1(a)(8)	I - M/ F	Increased from 6 months/$500 fine to 1 year/$1,000 fine 2nd offense: 3 years
2008	179	S3161	Increases penalties for operating a motorcycle or recreational vehicle within the Blackstone Valley Flood Plains or Marshes	Repealed 31-3.2-7.1; amended 31-3.2-10	I - M	Revised penalty from 30 days/$500 fine to 90 days/$100 fine
2009	329	S373am	Adds prison sentence to penalties for failure to stop at an accident resulting in damage to another vehicle	Amended 31-26-2	I - M	6 months. [Unchanged: $1,000 fine]
2011	356	S631	Increases penalties for breaking and entering a dwelling house of a person who is severely impaired	Amended 11-8-2.4	I - F	Increased from 2-20 years to 5-25 years. Fine increased from $5,000 to $15,000
2011	341/375	S33A H5065Aam	Increases fines for defacing or destroying a tombstone, or for other desecration of a grave	Amended 11-20-3	I - F Only Fine Increased	Increased from $3,000 fine to $5,000 fine. [Unchanged: 1-3 years prison sentence]
2011	341/375	S33A H5065Aam	Increases fines for injuring a public statue or monument	Amended 11-44-13	I - M Only Fine Increased	Increased from $500 fine to $1,000 fine. [Unchanged: 1 year prison sentence]
2013	455/464	S860A H5991A	Increases penalty for carrying a stolen firearm when committing a crime of violence	Amended 11-47-3.1	I - F	Increased maximum penalty for first conviction from 10 to 15 years
2013	464/455	H5991 S860	Adds a fine to penalties for giving false information in applying for a firearm	Amended 11-47-23	I - F Only Fine Increased	Added fine of $5,000. [Unchanged: 5 years]
2013	497/508	H6276 S548A	Increases penalties for third graffiti offense conviction	Amended 11-44-21.1	I - M to F	Increased penalty from $1,000 fine to 2 years/$2,000 fine
2013	106/107	H6221am S979Aam	Specifies 18 types of prohibited activities relating to casino gambling; expands upon and repeals prior statutes	Creates 41-61.3-2	I - F [Also N]	10 years/$100,000 fine for all violations. Earlier statute had other, usually smaller, sentences and fines for some offenses
2014	413/449	H7624 S2673	Increases penalties for employer and contractor violation of wage payment laws	Amended 28-14-17 and 37-13-12.4	I - M	Increased maximum prison sentence from 90 days to one year [Fines unchanged]
2014	413/449	H7624 S2673	Increases penalties for making fraudulent representation on certified payroll records	Amended 37-13-14.1	I - M to F	Second violation increased from 1 year/$1,000 fine to 3 years/$3,000 fine
2014	81/90	H7599 S2754	Increased penalties to possess, sell, distribute, etc. a substance containing a detectable amount of synthetic drugs	Amended 21-28-401.1 and 21-28-4.01.2	I - F	Between 1 oz. and 1 kg: 50 years/$500,000 fine More than 1 kg: Life/$1 million fine

2014	151/168	S2380A H7762A	Increases penalties for unlawfully affixing or distributing a cigarette tax stamp	Amended 44-20-12.2	I - M to F	1st offense: increased from $500 fine to $10,000 fine 2nd offense: increased from 1 year/$1,000 fine to 5 years/$5,000 fine
2014	151/168	S2380A H7762A	Increases penalties for failing to pay tax on unstamped cigarettes	Amended 44-20-17	I - M to F	Increased from 1 year/$500 fine to 3 years/$10,000 fine
2014	151/168	S2380 H7762A	Increases penalties for forging cigarette stamp and related activities	Amended 44-20-39	I - F	Increased from 10 years/$10,000 fine to 15 years/$500,000 fine
2014	151/168	S2380A H7762A	Increases penalties for importing unstamped cigarettes	Amended 44-20-45	I - F	Increased from 5 years/$10,000 fine to 15 years/$100,000 fine
2014	151/168	S2380A H7762A	Increases penalties for miscellaneous violations of cigarette tax laws	Amended 44-20-51	I - M to F	2nd offense within a 24 month period: Increased from a $1,000 fine to 3 years/$5,000 fine
2014	151/168	S2380A H7762A	Increases penalties for violation of cigarette tax laws with intent to defraud the state	Amended 44-20-51.2	I - F	Increased from 5 years/$10,000 fine to 15 years/$100,000 fine
2014	151/168	S2380A H7762A	Increases penalties for the knowing sale or possession for sale of counterfeit cigarettes	Amended 44-20-51.3	I - F	For less than two cartons of cigarettes: Increased fines from $1,000 to $10,000 fine [Unchanged: 5 year prison sentence]; For more than two cartons, increased from 5 years/$10,000 fine to 15 years/$100,000 fine
2015	42/45	S123 H5070	Increases penalties for sex trafficking of a minor or interference with enforcement of the statute	Amended 11-67-6	I - F	Sex trafficking: Increased from 40-50 years Obstructing enforcement: Increased from 20 year/$20,000 to 35 years/$40,000
2015	284/285	H5158A S132A	Increases amount of time certain murderers must serve before becoming eligible for parole	Amended 13-8-9		Increased from one-third to one-half the percentage of the sentence that must be served
2015	284/285	H5158A S132A	Increases amount of time certain murderers must serve before becoming eligible for parole	Amended 13-8-13		Increased from 20 to 25 years the amount of time that must be served
2016	455/458	H7392A S2657A	Increases penalties for cruelty to animals resulting in death	Amended 4-1-3	I - M to F	Increased penalties from 11 months/$500 fine to 5 years/$1,000
2016	455/458	H7392A S2657A	Increases penalties for cruelty to animals resulting in death	Amended 4-1-2	I - M to F	Increased penalties from 11 months/$500 fine to 5 years/$1,000 fine
2016	456/457	H7317 S2658	Increases penalty for malicious injury to or killing of animals	Amended 4-1-5	I - F	Increased penalties from 2 years/$1,000 fine to 5 years/$1,000 fine
2016	488/490	H7831 S2801	Increases penalties for dealing in animals without a license, and makes each day of violation a separate offense	Amended 4-19-10	I - M Only Fine Increased	Increased penalty for second offense from 1 year/$500 fine to 1 year/$1,000 fine
2017	302, Art. 8	H75175Aam	Increases penalties for failing to properly remit sales and use taxes	Amended 44-19-31	I - F	Increased from 1 year/$10,000 to 5 years/$25,000
2017	302, Art. 8	H5175Aam	Increases penalties for selling contraband tobacco products	Amended 44-20-35	I - M	Added 1 year sentence to existing $1,000 fine
2017	302, Art. 8	H5175Aam	Increases penalties for tobacco dealers to fail to submit required sales reports	Amended 44-20-43	I - M	Added 1 year sentence to $5,000 fine for first offense [designated misdemeanor]

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APPENDIX C: PENALTIES REDUCED OR REPEALED

Year	Chapter Number	Bill Number	Crime	Statute Amended or Repealed	Category	Sentence
2000	97	H7372B	Removes criminal penalty for third violation of uninsured motorist statute	Amended 31-47-9	Repeal	Reduced from 1 year in prison to $1,000 civil fine
2000	490	S2994	Repeals Tank Vessel Safety Act in its entirety, which included a criminal penalty for willful violations of the statute	Repealed 46-12.6-6	Repeal	5 years/$25,000 fine repealed
2000	363/520	S2832Aam H7949Aam	Removes penalties associated with possession of a hypodermic needle	Amended 21-28-4.04 and 21-28.5-1	Repeal	$100 misdemeanor-designated fine repealed; 2 years/$5,000 fine for possessing needle as drug paraphernalia repealed
2000	158/285	S2664B H8005am	Removes mandatory sentence for larceny of a firearm, while increasing maximum penalty for the offense	Amended 11-47-5.1	Amend	Mandatory sentence repealed; sentence increased from 5 years to 10 years
2001	131/ 161	S100A H5993am	Reduces, from misdemeanor to a violation, penalties for refusing to take a breathalyzer test while operating a watercraft	Amended 46-22.2-5	Repeal	Reduced 1 year/$1,000 fine to $300 fine
2001	319	H6168	Repeals statute making it illegal to hire a horse or carriage with intent to cheat the owner	Repealed 11-18-19	Repeal	30 days/$20 fine repealed
2001	256/355	S476Aam H6458A	Decriminalizes the refusal of an employer to post a summary of the Workers' Compensation Act	Amended 28-29-13	Repeal	Replaced $100 misdemeanor-designated fine with $250 fine
2002	134	H6766Bam	Reduces, from misdemeanor to a violation, penalties for violating noise limits for motor vehicles	Amended 31-45-4	Repeal	Reduced from 1 year/$500 fine to $50-$500 fine
2002	378	S2781	Decriminalizes penalties for violation of plumber licensing statute	Amended 5-20-33	Repeal	Reduced 6 months/$300-$600 fine for second offense to $950 civil fine
2004	336	H8296	Repeals 16 obsolete 19th Century statutes, including laws banning blasphemy or the advocacy of anarchy	Repeal of 16 statutes	Repeal	Repealed statutes had varying penalties
2006	169/196	S2185am H7228am	Reduces criminal fine for abuse or neglect of adult with severe impairments, but increases prison sentence	Amended 11-5-12	Amend	Reduced maximum fine from $3,000 to $2,000. Prison sentence increased from one to five years
2007	84/209	H5770B S442A	Reduces penalty for failing to report abuse, neglect, exploitation or self-neglect of elderly persons	Amended 42-66-8	Amend	Penalty of 1 year/$1,000 fine reduced to $1,000 fine only
2008	9, Art. 7	H7204Aam	Increases amount of "good time" credits available to most prisoners	Amended 42-56-24	Amend	Expanded "good time"
2009	345/346	H5007am S39am	Eliminates mandatory minimum sentences for the sale, manufacture, distribution or possession of Schedule I or II drugs	Amended 21-28-4.01.1 and 21-28-4.01.2	Amend	Mandatory minimum 10 or 20 year sentences (based on quantity) eliminated. Maximum sentences unchanged.
2010	30	S2225am	Authorizes court to terminate imprisonment for suspended sentence or probation violations if the crime leading to the violation is found to lack merit	Amended 12-19-18	Amend	Addressed probation violations when underlying crime is dismissed
2011	176/300	S638A H5757A	Expands scope of medical parole statute to include inmates suffering from "severe illness"	Amended 13-8.1-4	Amend	Expanded "medical parole"
2012	137/176	S2368 H7176A	Raises the monetary threshold, for purposes of categorizing various larceny convictions as a misdemeanor or felony, from $1,000 to $1,500	Amended 11-41-5	Amend	Reduced certain crimes from felonies to misdemeanors

2012	137/176	S2368 H7176A	Raises the monetary threshold, for purposes of categorizing larceny involving fraudulent checks as a misdemeanor or felony, from $1,000 to $1,500	Amended 19-9-24 and 19-9-25	Amend	Reduced certain crimes from felonies to misdemeanors
2012	314/349	H7389 S2339	Repeals law making it a crime to knowingly transmit any false data	Amended 11-52-7	Repeal	Repealed penalty of 1 year/$500 fine
2012	188/194	H7697A S2613A	Reduces, from misdemeanor to a violation, penalties for importing or possessing freshwater invasive aquatic plants	Amended 20-1-26	Repeal	Repealed 90 day prison sentence; retained $500 fine
2012	251/263	H7248Aam S2841Aam	Provides immunity from prosecution for certain drug offenses when seeking medical assistance for a drug overdose	Amended 21-28.8-4	Amend	Immunity from prosecution
2012	221/233	S2253Aam H7092Aam	Decriminalizes possession of one ounce or less of marijuana	Amended 21-28-4.01, 21-28-4.11, 21-28-4.14	Amend	Established civil penalties
2014	153/170	S2629 H7863	Revises penalties for violation by school principals of fire alarm and fire drill laws	Amended 23-28.12-15 and 23-28.12-36	Repeal	Revised designated misdemeanor fine of $50 to violation fine of $200
2015	141, Art. 20	H5900Aam	Repeals auctioneer licensing statute and penalty for acting as an auctioneer without a license	Repealed 5-58-10	Repeal	Repealed penalty of 90 days/$500
2015	60/64	H5943/S752	Repeals penalty for importing bovine animals without permit	Repealed 4-5-10	Repeal	Repealed penalty of 1 year/$500
2015	141, Art. 20	H5900Aam	Repeals orthotics and prosthetics licensing statute and penalties for violations	Repealed 5-59.1-15	Repeal	Repealed penalty of 3 months/$200
2016	1/2	H7003 S2002	Provides immunity from prosecution for certain drug offenses when seeking medical assistance for a drug overdose	Amended 21-28.9-4		Immunity from prosecution
2016	40/44	S2751 H7590	Repeals penalty for itinerant vendor selling merchandise without a license	Repealed 5-15-10	Repeal	Repealed penalty of 90 days/$1,000 fine
2016	40/44	S2751 H7590	Repeals penalty for itinerant vendor advertising without proper licenses	Repealed 5-15-11	Repeal	Repeaed penalty of 60 days/$50 fine
2016	128/134	S2374A H7679A	Reduces penalties for driving after denial, suspension or revocation of a license.	Amended 31-11-18	Reduced	Repealed penalties for 1st and 2nd offenses and made 3rd and subsequent offenses 90 days/$1,000 fine
2017	13/25	S545 H5680	Repeals penalties for revealing information about a person suffering from an STD	Repealed 23-11-9	Repeal	Repealed penalty of 6 months/ $250
2017	344/354	H5115A S11B	Reduces penalties for general crime of larceny	Amended 11-41-5	Reduced	Reduced penalty from 10 years/$5,000 to 6 years/$3,000 if the value of the property is between $5,000 and $10,000; and to 3 years/$1,500 if the value of the
2017	344/354	H5115A S11B	Reduces penalty for felony assault	Amended 11-5-2	Reduced	Reduced penalty from 20 years to 6 years if the assault does not result in serious bodily injury
2017	435	H5520A	Revises from a misdemeanor to a civil penalty second and subsequent offenses of refusing to take a blood test for DUI purposes	Amended 31-27-2.1	Repeal	Repealed 6 month/$1,000 fine for second offense, and 1 year/$1,000 fine for subsequent offenses

APPENDIX D: EXISTING CRIMINAL LAWS EXPANDED

Year	Chapter Number	Bill Number	Crime	Created or Amended	Category	Sentence
2000	155	S2337am	Removes "knowing" requirement for violating laws dealing with licensed financial institutions.	Amended 19-14-26	X - M	[1 year/$1,000 fine]
2000	217	H7108A	Expands scope of law barring the disposal of out-of-state waste at a landfill	Amended 23-19-13.1	X - F	[3 years/$5,000 fine]
2000	236	S2358am	Expands law barring officers and employees of certain financial institutions from engaging in fraudulent activities to include all licensees under Chapter 19-14	Amended 19-9-22	X - F	[20 years/$50,000 fine]
2001	109	H5291A	Expands definition of "serious bodily injury" for purposes of child abuse statute	Amended 11-9-5.3	X - F	[20 years/$10,000 fine]
2003	195	S1196	Expands disorderly conduct statute to include looking into “other buildings” rather than just dwellings, including doing so by use of any video imaging system	Amended 11-45-1	X - M	[6 months/$500 fine]
2003	141/148	S883A H6025A	Expands definition of “persons responsible for child's welfare” for purpose of violations of child abuse and neglect reporting statute	Amended 40-11-2	X - M	[1 year/$500 fine]
2003	64/75	S663 H5871	Expands the definition of identity fraud to include certain financial information	Amended 11-49.1-3	X - F	[3 years/$5,000 fine]
2007	330	H5211A	Expands crime of disorderly conduct to include lasciviously peering into areas where one would have a reasonable expectation of privacy	Amended 11-45-1	X - M	[6 months/$500 fine]
2011	271/318	S829 H5815	Expands definition of second degree child abuse by eliminating requirement that any physical injury be "serious"	Amended 11-9-5.3	X - F	[10 years/$5,000]
2014	157/164	S2817 H7378	Adds using the "element of surprise" to engage in sexual contact as a basis for the charge of second degree sexual assault	Amended 11-37-4	X - F	[15 years]