State of Rhode Island and Providence Plantations
State House, Room 224
Providence, Rhode Island 02903
401-222-2080

Lincoln D. Chafee
Governor

June 5, 2012

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I am transmitting to the Secretary of State, with my signature, 2012–H 7112, Substitute A, "An Act Relating to State Affairs and Government–Corrections Department."

The reasons for this statutory revision are undisputed and upsetting. In 1983, Michael Woodmansee was convicted of murder and sentenced to 40 years in prison for killing Jason Foreman, a 5-year-old boy. Rhode Island police spent years searching for the victim's body, and eventually found his shellacked skull and bones in Woodmansee's South Kingston home. To the surprise and outrage of many, Woodmansee was set to be released from prison 12 years early, in August 2011, due to a Rhode Island law requiring early release for good behavior. In May 2011, Woodmansee agreed to a voluntary commitment at the Eleanor Slater Hospital in Cranston.

Concerned about the implications that early release for good behavior might pose to the general public, the House of Representatives convened the Criminal Justice Oversight Committee and charged it with evaluating the State's existing good time statute and making recommendations with respect thereto, pursuant to House Resolution 2011–6265, Substitute A. After meeting, considering data, engaging in lengthy discussions, and receiving comments from members of the public, the Committee reported that while it found good time policies to be an important resource in providing for the goals of public safety, sound management of offenders and the institutions in which they reside, and controlling prison overcrowding, the Committee recognized that the serious violent crimes leave an indelible impact upon victims and their families. Some victims, their families, and victim advocates argued that offenders convicted of certain offenses should serve the full term of a sentence imposed without the benefit of good time credit reductions, which would both emphasize the grave nature of these offenses and protect the public from this category of criminals. Overall, the Committee acknowledged that good time and programming credits serve both the public at large and the offenders to whom they apply,

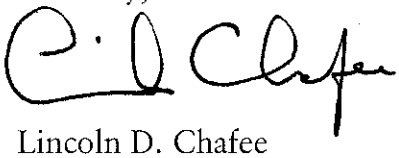
and encouraged the General Assembly to promote these offender incentives for positive behavior while also taking into consideration the potential interest in awarding fewer sentence reduction credits to those offenders convicted of crimes that shock the conscience.

I am generally persuaded by the Committee's findings regarding good time policies. Offering offenders the ability to earn time off of their sentences for maintaining good behavior within correctional institutions serves several important goals. First, good time policies provide clear, measurable incentives for prisoners to engage in pro-social conduct while incarcerated. Second, these policies are an effective and useful tool to encourage a safer and more secure prison environment. Third, because incarceration is costly, these policies have an overall positive impact on the Department's budget and institutional census: a significant consideration when allocating scarce public resources.

However, there are also sound policy reasons to exclude certain offenders who have been convicted of particularly heinous crimes–egregious crimes of violence and sexual aggression–from the privilege of earning time off of their sentences for obeying correctional institutions' rules. As amended, the law would continue to provide incentives for specified offenders to take affirmative steps to shorten their prison sentences and better themselves, as well as their chances for successful reentry into Rhode Island communities, by participating in programs and education. Further, because the amended bill only applies prospectively, I am satisfied that it no longer imposes an impermissible *ex post facto* penalty and is therefore constitutional under Weaver v. Graham, 450 U.S. 24 (1981). I believe that this bill balances substantive policy concerns with fiscal prudence.

For the foregoing reasons, I sign this bill into law.

Sincerely,



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