



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-S 2296, RELATING TO CRIMINAL OFFENSES – DISORDERLY CONDUCT May 12, 2026

This bill would subject to felony penalties any person who “stands, sits, kneels, or otherwise loiters on any federal or state highway” and interferes with traffic or distracts or delays a motorist. Among other things, this bill would criminalize peaceful leafletting or panhandling on roadway medians and also potentially make felons of individuals who engage in a spontaneous rally or demonstration on a highway that “distracts” drivers. Because we believe this bill is both unnecessary and constitutionally problematic, the ACLU of Rhode Island urges its rejection.

It is important to keep in mind that the state’s disorderly conduct *already* makes it a crime to “obstruct[] a highway, street, [or] sidewalk . . . to which the public or a substantial group of the public has access...” R.I.G.L. § 11-45-1(a)(4). As a result, this legislation is completely unnecessary – or else it is more broadly sweeping, in which case it raises fundamental First Amendment concerns and discriminatorily targets individuals engaged in free speech activity.

In 2017, the ACLU successfully challenged a Cranston ordinance that attempted to ban individuals from engaging in some of the activity this bill would encompass. Specifically, it made it illegal for a person to “stand in or enter upon a roadway for the purpose of distributing anything to the occupant of any vehicle or for the purpose of receiving anything from the occupant of any vehicle.” As the judge noted in issuing a temporary restraining order against the ordinance in reasoning that would apply just as much to the scope of this bill:

“[T]he sweep of the prohibition is quite broad – it prohibits everything from firefighters passing the boot, to an individual giving out a phone number or directions to a lost motorist, to candidates for office handing out fliers, and more. So, there is little question that Plaintiffs have met their initial burden of demonstrating infringement on First Amendment rights...”¹

We strongly oppose the bill for another reason: it establishes mandatory minimum sentencing, subjecting first time offenders to at least 60 days in prison with no possibility of suspension of the sentence or probation. We will not rehash here all the reasons that mandatory sentences are bad public policy other than to note their particularly harsh impact on lower-income individuals and undermining of the justice reinvestment approach to crime that the General Assembly has looked to in the recent past. For all these reasons, the ACLU of RI urges rejection of this bill.

¹ *R.I. Homeless Advocacy Project v. City of Cranston*, C.A. 17-334-S (August 3, 2017).