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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-S 2969, RELATING TO MOTOR AND OTHER VEHICLES – USE OF CROSSWALKS, INTERSECTIONS AND SAFETY ZONES April 2, 2026

The ACLU of Rhode Island opposes this bill, which would make it illegal to “solicit or monetary or other donations” at crosswalks or intersections. In simple terms, this legislation should be rejected because it is clearly unconstitutional.

Just as individuals retain the constitutional right to display signs, hand out literature, or ask for directions at street intersections, they have the right to solicit donations. In 2017, the ACLU successfully challenged a Cranston ordinance that similarly attempted to ban individuals from engaging in panhandling on that city’s roads. In that case, the court issued a temporary restraining order against its implementation, finding that the plaintiffs had “met their initial burden of demonstrating infringement on First Amendment rights.”¹

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). It is thus clear that this bill is aimed at non-obstructive conduct that is protected by the First Amendment. While some individuals may find the act of panhandling offensive, it can be a lifeline for some people. In any event, its enactment would affect the rights of many other people involved in First Amendment activity, whether it is firefighters in some communities engaged in their laudable “Fill the Boot” campaigns or high school cheerleaders attempting to raise needed funds to attend an out-of-state tournament.

For these reasons, the ACLU of RI urges the committee to reject this bill.

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