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ACLU OF RI POSITION: OPPOSE

TESTIMONY IN OPPOSITION TO 26-S 3164, RELATING TO CRIMINAL OFFENSES – ASSAULTS April 2, 2026

In recent years, the ACLU of Rhode Island has issued reports examining what we call “Rhode Island’s Statehouse to Prison Pipeline.” This refers to the pervasiveness of the passage of laws creating new crimes and increasing criminal penalties for various existing offenses, helping fuel the twin problems of overcriminalization and mass incarceration. While we have no doubt about the good intentions behind this bill, it encapsulates the concerns raised in our report, and we therefore urge rejection of this legislation.

This bill would make assault on a railroad worker a felony, even though assault is, obviously, already a crime, and serious assaults are already a felony. It would add to an already long list of (generally) law enforcement-related professions in the statute that provide for this harsher punishment for assaultive behavior. By creating yet another, and overlapping, carve-out to increase the penalties for what is, by definition, a minor assault, this bill would turn more offenders into felons, with all the consequences that entails.

Unfortunately, it is true the General Laws are replete with special assault penalties – such as special laws felonizing simple assaults on such diverse professions as health care providers and delivery persons. But that is not a reason to continue adding occupations to the list; it should be reduced or eliminated, not expanded. Otherwise, pretty soon almost any assault against another person will, by slow accretion, turn into a felony, and end up significantly increasing the universe of ex-felons in the state who face housing, employment and other woes because of conduct that should not be classified as felonious.

Further, the true effect of a bill like this is to allow the state to stack multiple overlapping charges against a defendant, coercing them to waive their right to a jury trial and plead to a lesser misdemeanor offense of assault. Even if a defendant has a strong defense, the threat of facing felony penalties can persuade even innocent individuals to plead rather than contest the charges.

Before spending hundreds of thousands of dollars in taxpayer money to lock people up for longer periods of time for this conduct, the committee should first deeply consider how truly necessary these increased penalties are. Among the questions that should be considered: what is the fiscal cost to taxpayers if these increased sentences are imposed? Is there any evidence that this increase in punishment will serve as a meaningful deterrent, or is it merely upping the retribution? What are the collateral consequences that flow from making this crime a felony, and is it worth doing that?

Because laws already on the books appropriately address and punish this conduct, we urge the Committee’s opposition to this legislation.