



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-H 2595, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN April 30, 2026

The ACLU of Rhode Island opposes this legislation, which would, according to the explanation, prohibit “the distribution, transfer, or possession of any material that depicts a minor engaging in sexually explicit conduct and is obscene and lacks serious literary, artistic, political, or scientific value.”

It is unclear to us what specific goal is intended by this legislation, since Rhode Island already has four separate laws (some of which we believe are of dubious constitutionality) addressing identical, or virtually identical, conduct. R.I.G.L. §11-9.1-3 prohibits the production, distribution, and possession of “child pornography”; R.I.G.L. §11-9.1-4 prohibits transmitting “indecent visual depictions” of oneself to others; R.I.G.L. §11-9.1-5 prohibits the electronic dissemination of “indecent material” to minors; and R.I.G.L. §11-9.1-6 bans the production, display, distribution, or possession of “child erotica.” The need for yet another statute on the subject is very questionable, to say the least.

To the extent this bill has differences from these other laws already on the books, they all point to the bill’s unconstitutionality. For example, in addition to banning the distribution to minors of any sexually explicit materials that lack serious value (pursuant to a U.S. Supreme Court standard known as the *Miller* test in attempting to judge whether material is obscene), it would further bar – unlawfully under the First Amendment, in our view – the distribution of (undefined) “lewd” or “lascivious” material.

Further, the bill goes so far as prohibit the distribution or even possession of visual depictions of any kind fitting within the bill’s definitions, even if they are in cartoon form and do not depict any minor who actually exists.

Because this bill is unnecessary and overbroad, could potentially chill the possession and creation of legitimate literature and artwork, and is contrary to the principles enshrined in the Freedom to Read Act that the General Assembly passed only a year ago, the ACLU urges rejection of this legislation.

Thank you for considering our views.