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June 15, 2012

The Hon. Lincoln Chafee
Governor
State House
Providence, RI 02903

RE: SUPPORT 12-S 2339 AND H-7389

Dear Governor Chafee:

The Rhode Island ACLU urges your support of 12 S-2339 and 12 H-7389. These bills would repeal a constitutionally problematic provision in state law that bans the transmission of *any* false information through a computer. If a person lies about his age on a dating web site, falsely emails his employer as to the reason he will be late to work, uses a cell phone to text a friend that he is at a place where he actually isn't, or even sends an email with an untrue rhetorical comment that everybody receiving it would know was false, he has committed a crime under current law that could earn him one year in prison.

This law was enacted twenty-three years ago, in 1989. The world's first web page was not created until 1991, two years after this law was enacted. Nobody could have envisioned this bill's vast scope when it was approved.

This bill does not repeal any of the many other laws the General Assembly has enacted over the years (including another provision in the same statute) that establish criminal penalties for a wide variety of computer crimes, including financial fraud. But this particular section of the law is extraordinarily and inappropriately broad for a criminal statute and raises significant constitutional issues. One does not have to condone fibbing to recognize the dangers of making every white lie transmitted through a computer or cell phone a criminal offense.

We therefore urge you to sign this legislation into law. Thank you for your attention to our views.

Sincerely,

Steven Brown
Executive Director

cc: George Zainyeh
Kelly Mahoney