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**TESTIMONY IN OPPOSITION TO 20-H 7322,  
THE PETER FALK CRIMINAL ISOLATION OF ELDERS ACT  
March 10, 2020**

The ACLU of Rhode Island opposes this bill, which was passed in identical form two years ago by the General Assembly but vetoed by the Governor. At the time, she noted that a number of advocates for the elderly had concerns about the bill, and those concerns remain. Among other things, she pointed out:

“[T]he criminalization included in this bill will deter volunteer guardians that are needed to care for elders and dependent adults who are not able to live independently and also do not have other caregivers. The bill could also deter well-intentioned caregivers from crafting the best environments for the people they care for. For example, the bill criminalizes isolation, which is defined broadly to include, among other things, restricting telephone calls for any duration of time - even harassing or potentially exploitative calls unless they are restricted by court order.”

To elaborate on that last point: as H-7322 is written, it could be a felony for a guardian or caretaker to hang up on a telemarketer or throw in the trash junk mail addressed to the elderly person.

The bill’s revised definition of “caretaker,” on Page 8, lines 20-22, is also concerning. Although the current definition seems more than sufficient, adding the term “neighbors,” for example, suggests that these individuals could be held liable for not properly looking after somebody next door. We further note that much of the bill appears to criminalize conduct that is already prohibited under the elder abuse law, and is therefore unnecessary. To the extent it reaches beyond current law, it creates numerous problems such as those noted above.

For these reasons, the ACLU urges rejection of this bill.