

ACLU POSITION: AMEND

**TESTIMONY ON 25-H 5895,
RELATING TO CRIMINAL PROCEDURE -- DOMESTIC VIOLENCE PREVENTION
April 22, 2025**

This bill would require police to complete and electronically submit a domestic violence/sexual assault reporting form when responding to domestic violence incidents. The ACLU of Rhode Island wishes to raise strong objections to the inclusion of the words “*including a verbal argument or dispute*” on Page 1, line 5, specifying this conduct as a type of domestic violence requiring submission of a form. This new language appears to radically expand the scope of what constitutes an incident of domestic violence and, consequently, a criminal offense to be categorized, if not prosecuted.

“Domestic violence” is presently defined as the commission of one of seventeen specified crimes by one family or household member against another. R.I.G.L. § 12-29-2(a). However, having an “argument or dispute” is not one of them, nor should or could it be. Including this language not only seeks to treat speech that is protected under the First Amendment as a criminal offense, it seeks to do so in a context that carries multiple collateral consequences for the individuals involved. Having an “argument or dispute,” whether with a family member or a stranger, simply is not a crime and should not form the basis for submitting a domestic violence reporting form.¹

In sum, the reporting of “arguments” or “disputes” is neither authorized by the domestic violence statute nor consistent with the First Amendment. We therefore strongly urge the deletion of that language if this bill is to be given favorable consideration. We note that an almost identical bill being heard today, H-5893, does not include this troubling expansion of the statute.

Thank you for considering our views.

¹ While the definition of “domestic violence” does include commission of “disorderly conduct,” that statute only applies to “threatening, [] violent or tumultuous behavior.” R.I.G.L. § 11-45-1(a). Even that language must be interpreted narrowly in order to avoid violating the First Amendment. See explanatory note to R.I.G.L. § 11-45-1(a).