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## **ACLU OF RI POSITION: OPPOSE**

### **TESTIMONY IN OPPOSITION TO 22-H 7807, AN ACT RELATING TO CRIMINAL OFFENSES – CHILDREN April 13, 2022**

Though we appreciate the intent behind this legislation, which would criminalize a parent or guardian’s “wanton or reckless” engagement in conduct that could create a “substantial risk of serious bodily injury” to their child or the wanton or reckless failure to alleviate these risks when there is a duty to act, we are opposed to it. A number of statutes currently address related offenses committed to or directed at children – including §11-9-1, §11-9-5, §11-9-5.3, as well as multiple statutes under Title 11, Chapter 37<sup>1</sup> – and we do not believe this bill would accomplish anything that remains unaddressed by these laws.

Parenting is difficult, and it is an impossible ask of parents and guardians to have cognizance of all possible circumstances surrounding the safety of their child at all times. In attempting to address instances under which a parent may be held liable for these risks, we feel that there are many entirely innocent circumstances which could still fall under the threshold of this standard.

For example, the conscious disregarding of a “substantial and unjustifiable risk” is more subjective than it might appear. A parent might note, for example, that the car that they regularly transport their children in needs new tires, and that the tread on the tires is worn down, but may not have immediate funds to purchase new tires and thus put off buying them. If that parent experiences a tire blowout while driving with their child one day and gets in an accident where the child is seriously injured, should the parent face possible prosecution in addition to the emotional and physical toll that they would certainly experience otherwise? To give another example: We are all too aware of the sexual abuse scandals surrounding the Catholic Church. Should a parent who ignored rumors that a particular priest had engaged in inappropriate behavior with other children be subject to criminal penalties if their child ends up being molested by that priest? These are tragic circumstances, but in the absence of a violation of the many laws already on the books to get at perpetrators of crimes against children, this bill creates an unnecessary and vague offense that could harm grieving parents who may have acted poorly but should not face criminal consequences for it.

It is, of course, the hope that all parents act with the best interests of their children at the forefront of all times. But this bill creates a standard which we are concerned could be used to inappropriately and retrospectively determine that a parent or guardian’s actions constituted a violation of this law. We urge rejection for these reasons.

Thank you for your consideration.

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<sup>1</sup> Exploitation for commercial or immoral purposes; Cruelty to or neglect of child; Child abuse – Brendan’s Law; and Criminal Offenses, Sexual Assault, respectively.