

April 4, 2024

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER (OPD) REGARDING:

House Bill No. 7835

**ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE – RAILROAD,
STEAMBOAT, AND BRIDGE POLICE**

Chairman Craven and Members of the Judiciary Committee:

The Office of the Public Defender (OPD) has significant concerns regarding H7835, which proposes certain restrictions on the public disclosure of information related to railroad fatalities and communications between railroad employees.

We find the language of the bill to be overly broad and potentially detrimental to protected speech. Specifically, our primary concern revolves around the vagueness of the bill regarding who could be prosecuted for violations and the potential for it to infringe upon the First Amendment rights of individuals.

The proposed legislation seeks to prohibit the public release of not only police reports involving a railroad fatality but also the content of all communications between railroad employees and the police, with violations of this provision classified as misdemeanors. However, the lack of clarity regarding the scope of individuals subject to prosecution raises significant questions about the potential for arbitrary enforcement and the chilling effect it may have on legitimate speech and expression. This provision is also likely unconstitutional if applied to employees or witnesses interviewed by the police during an investigation.

In light of these concerns, we urge the Committee to carefully reconsider the language and provisions of H7835 to ensure that any restrictions on the disclosure of information are narrowly tailored to serve a legitimate governmental interest without unduly impeding constitutionally protected rights.

Thank you for your attention to this matter. We remain committed to working collaboratively to address these issues and uphold the principles of justice and fairness.

Sincerely,

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