



STATE OF RHODE ISLAND
OFFICE OF THE MENTAL HEALTH ADVOCATE
John O. Pastore Center
25 Howard Avenue, Bldg, #57
Cranston, RI 02920

Representative Robert E. Craven, Sr., Chair
House Judiciary Committee
State House
Providence, RI 02903

May 7, 2024

Re: 2024-H 8223
By: Representatives Vella-Wilkinson, Batista, Shanley, Lima, Noret and Perez
Entitled: AN ACT RELATING TO CRIMINAL OFFENSES -THREATS AND EXTORTION

Dear Representative Craven and Members of the House Judiciary Committee:

The Office of the Mental Health Advocate (OMHA) is an independent state agency charged with protecting the civil and liberty interests of individuals living with serious mental illness. OMHA recognizes and appreciates the essential work performed by caseworkers in supporting individuals with psychiatric disabilities and strongly agrees that they deserve protection from workplace violence. We do, however, have concerns that expanding RIGL § 11-42-4 to make threats against caseworkers a felony could have the unintended consequence of criminalizing mental illness. Individuals in psychiatric crises can at times say things that may be construed as a "threat" but without any criminal intent. Although evidence of lack of criminal intent can be raised as a defense once a charge is adjudicated in a court of law, the mere charging such a threat as a felony can set off a series of collateral consequences that cannot be undone. These include incarceration, even if for a brief period of time, that interferes with treatment, can negatively impact housing or housing opportunities, and causes trauma.

For these reasons, OMHA respectfully opposes this proposed legislation. Thank you for your consideration.

Respectfully Submitted,
Isl Megan N. Clingham, Esq.
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Director, Office of the Mental
Health Advocate



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