



RHODE ISLAND KIDS COUNT

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**Testimony Re: H-5262 An Act Relating to Criminal Offenses -- Threats
And Extortion**

House Committee on Judiciary

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Mr. Chairman and members of the Committee, thank you for the opportunity to provide testimony today. Rhode Island KIDS COUNT would like to voice its concerns about House Bill 5262, which would add school superintendents, central office officials, school principals, and all other school employees, to the definition of a “public official.” This updated definition would make it a felony, with a potential sentence of up to five years in prison and or up to a \$5,000 fine, to threaten the life or bodily harm of a school administrator or their immediate family.

We would like to acknowledge Representative Noret for introducing this bill on behalf of the Rhode Island School Superintendents’ Association as we understand the intent of this bill is to provide protections for school administrators, and we recognize the seriousness of actual threats of bodily harm that should be met with penalties.

However, **as the bill is written, there are no protections for students as an exempt party from the severe penalties outlined in this legislation.** This could give way for youth who may be dysregulated and say things they don’t mean to be charged with a felony if they say something that is perceived as a threat in their classroom, hallways, bus stops, etc. We are extremely concerned about the implication of this bill for children and youth. Neuroscience research shows that during adolescence the prefrontal cortex -- the part of the brain that controls reasoning, weighs consequences, helps youth consider the implications of their behavior and is responsible for emotion regulation -- is still developing. Research over the last two decades has confirmed that the human brain does not reach maturation until at least age 26.

We know that children and youth are inclined to say things in the heat of the moment that they do not mean and would not act on. We are especially concerned with the implications for children and youth who may have emotional/behavioral challenges and students with disabilities. During the 2022-2023 school year in Rhode Island, students who received special education services represented 17% of all students enrolled but accounted for 33% of all school suspensions. The language of the bill on the interpretation of a “threat” -- direct, indirect, willfully delivered or conveyed -- is left up to “discretion,” and we are concerned that students who are routinely cited for things like “disorderly conduct” or “classroom outbursts” will be disproportionately cited for these perceived threats. This bill, as

written, may add disproportionately more penalties outside of existing school disciplinary statutes.

We implore you to hold this bill for further study until language can be added to protect children from the potential unintended consequences of this bill that could exacerbate the school-to-prison-pipeline. Thank you for the opportunity to provide testimony today.