

OFFICE OF THE PUBLIC DEFENDER

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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 5671

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES – COMPUTER CRIME.

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender opposes HB5671, which would make it unnecessary to prove that a person’s transmission of electronic communications be for the sole purpose of harassment before being found guilty of cyberstalking or cyberharassment. This amendment, if enacted, would have significant consequences that could lead to the prosecution of legitimate communication.

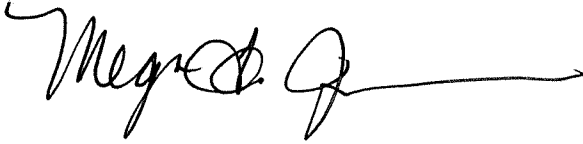
Under the existing statute, the requirement that the communication be made for the “sole purpose” of harassment serves as an important safeguard to ensure that people are not unjustly prosecuted for contacting someone for legitimate reasons. Removing the word “sole” would broaden the law’s scope to include communication that the recipient could arguably claim is harassing, regardless of the sender’s intentions.

For example, consider a constituent, who is deeply passionate about a specific piece of legislation and sends daily emails to their legislator, urging them to support or oppose the bill. While the constituent’s intentions are to express their views and influence public policy, a deluge of such emails could be viewed by the senator’s office as “a willful course of conduct directed at [the legislator] which seriously . . . annoys . . .the person.” The legislator might feel that after the first several such messages are sent, further daily communications saying the same thing serve no legitimate purpose, thus at least arguably making them “harassing” by statutory definition. *See* R.I.G.L. § 11-54-4.2.

Under the current statute, the constituent’s actions—a fundamental exercise of their right to petition their government—would not be subject to prosecution, because regardless of the recipient’s perception, the communications could not be said to be made for the “sole purpose” of harassment. The proposed amendment risks conflating well intentioned communication with actual harassment, which could result in people being subjected to criminal prosecution for actions they never intended to be harmful.

The Office of the Public Defender respectfully urges the Committee to reject the proposed amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Megan F. Jackson", followed by a long horizontal flourish.

Megan F. Jackson
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