

Roberta DiMezza

From: Michael DiLauro <madpd2001@yahoo.com>
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To: House Judiciary Committee
Cc: John Manni; John_Manni
Subject: 2025--H 5671
Attachments: State v Marshall 793 A2d 196 RI 2002.pdf

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Dear Chairman Craven and Members of the House Judiciary Committee:

I write to express concerns about the legislation referenced here. Although well intentioned, the legislation is problematic in that it eliminates language that is necessary to differentiate between unlawful conduct and that conduct which is arguably constitutionally protected free speech. Specifically, the legislation eliminates the word "sole" from the definition of the purposeful conduct necessary for a violation of the statute as currently written. If this legislation is enacted into law it would leave the behavior necessary to prove a violation of the statute to the subjective vagaries of anyone within earshot of speech that while offensive, does not rise to the level of criminal conduct and therefore protected by the 1st Amendment.

I have attached the Rhode Island Supreme Court decision in *State v. Marshall, 793 A.2d 196 (RI, 2002)*. Although it does not concern the construction of the statute that would be amended by the legislation under consideration here, it does demonstrate the confusion that can occur when a statute whose language and application is unclear implicates the 1st Amendment because it prohibits certain kinds of speech.

Thank you.

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