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April 3, 2025

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 5925

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN.

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender opposes HB5925, which makes it a felony for any person required to register as a sex offender to live within three hundred feet of a school, as defined in § 11-37.1-2. This proposed amendment, which strikes out subsection d of that statute, is presumably a response to the United States District Court decision in *Chapdelaine v. Neronha*, 662 F.Supp.3d 167 (D.R.I. 2023), which declared 11-37.1-2(d) to be unconstitutionally vague. (Holding that "[b]ecause neither an ordinary person nor law enforcement could understand the statutory language that attempts to define the boundaries of residences and schools, the Residency Restriction must be declared unconstitutional as void for vagueness.")

It is our office's position that since HB5925 utilizes exactly the same unconstitutionally vague language to define the boundaries within which registered sex offenders are prohibited from residing, the bill as amended would be no less problematic than the present version of the statute. Rather than re-defining the boundaries of residences and schools in a way that could be understood by ordinary people and law enforcement, the proposed bill merely makes subsection (c) applicable to any person required to register as a sex offender. If the Court in *Chapdelaine* had taken issue with the *distance* prescribed in subsection (d), the proposed amendment may have solved the problem. But as the unconstitutionally vague language in subsection (d) remains verbatim in subsection (c), the amendment would likewise not withstand constitutional scrutiny.

As the language utilized in proposed HB5925 has already been declared unconstitutionally vague, the Office of the Public Defender urges the committee to oppose its passage.

Sincerely,

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