

# OFFICE OF THE PUBLIC DEFENDER

160 Pine Street, Providence, Rhode Island 02903

TELEPHONE: (401) 222-3492

FAX: (401) 222-3287

EMAIL TO: [info@ripd.org](mailto:info@ripd.org)

WEBSITE: [www.ripd.org](http://www.ripd.org)

May 15, 2024

## TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER (OPD) REGARDING:

**House Bill No. 8208**

**ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ORDINANCES**

Chairman Casey and Members of the Municipal Government and Housing Committee:

The OPD has concerns with H8208, which proposes to grant cities and towns the authority to impose penalties for violations of municipal ordinances and regulations, with a cap of \$1,000. We believe that this bill may unintentionally undermine fundamental principles of justice.

As it stands, § 11-1-2 defines what constitutes a felony, misdemeanor, petty misdemeanor, and violation. Under the current legal framework, any offense delineated within municipal ordinances is categorically a petty misdemeanor due to the prescribed maximum fine not exceeding \$500. However, should the proposed amendment be enacted, empowering municipalities to increase their maximum fines beyond \$500, the classification of such offenses would escalate to misdemeanors.

Our primary concern lies in the inherent disparities between municipal courts and traditional criminal courts. Unlike their criminal court counterparts, municipal courts often lack the robust safeguards and procedural guarantees integral to ensuring fair trials. Most notably absent are the rights to counsel and jury trials, cornerstones of due process in criminal proceedings. Should H8208 be passed, there exists a tangible likelihood that these constitutional protections would need to be extended to municipal courts, thereby necessitating increased financial resources to uphold the integrity of the legal process.

Considering this concern, we respectfully propose an addition to H8208. We suggest the inclusion of language stipulating that, notwithstanding § 11-1-2, any criminal offense prosecuted by a municipality within municipal court shall retain its classification as a petty misdemeanor for all purposes. Adding this provision into the bill would address our concerns and preserve Rhode Island's longstanding practice of adjudicating misdemeanor crimes within our criminal court system.

Thank you for considering our concerns and recommendations.

Sincerely,



Curtis R. Pouliot-Alvarez, Esq.  
Legislative Liaison  
Office of the Public Defender