

OFFICE OF THE PUBLIC DEFENDER

160 Pine Street, Providence, Rhode Island 02903

TELEPHONE: (401) 222-3492

FAX: (401) 222-3287

EMAIL: info@ripd.org

WEBSITE: www.ripd.org

March 25, 2025

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No: HB5639

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- KIDNAPPING

Chairman Craven and Member of the House Judiciary Committee:

The Office of the Public Defender has concerns about HB5639, which proposes the creation of the offense of attempted kidnapping of a minor. While we acknowledge the seriousness of attempted kidnapping and agree that it warrants appropriate penalties, we believe that this bill provides an opportunity to address a drafting issue with the existing kidnapping statute that it references.

General Laws section 11-26-1.4, entitled, Kidnapping of a minor, currently defines the crime of kidnapping, in pertinent part, as follows:

Whoever, without lawful authority, forcibly or secretly confines or imprisons any child under the age of sixteen (16) years within this state against the child's will . . .*or kidnaps the child* with intent either to cause the child to be secretly confined or imprisoned within this state against his or her will . . . shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for life or for any term not less than twenty (20) years.

(Emphasis added.)

The current definition of kidnapping thus uses the word "kidnaps," which could create confusion with respect to the specific conduct being prohibited. When statutes are ambiguous or use circular language, they fail to effectively notify individuals of what is unlawful, which can create uncertainty for both law enforcement and the public. As the proposed bill creates an offense for any attempt to commit the crime of kidnapping, we suggest that the definition of kidnapping be revised for clarity and precision. Streamlining this language would ensure a better understanding of the offense.

Thank you for your consideration of this concern.

Sincerely,

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

Megan F. Jackson

Legislative Liaison

Office of the Public Defender

401-222-1509

mjackson@ripd.org