



Testimony in Support

H6121- RELATING TO CRIMINAL PROCEDURE - COURT ARREST

April 10, 2025

The Latino Policy Institute strongly supports H6121, introduced by Representative Batista. This legislation establishes crucial limitations on civil arrests, ensuring that individuals can safely access the courts without fear of detention. This bill represents a vital step toward a fairer legal system by safeguarding due process, reinforcing the integrity of the judicial system, and guaranteeing equal access to justice for all Rhode Islanders.

This legislation protects individuals seeking justice—as litigants, witnesses, or supporters of family members involved in legal proceedings—by preventing intimidation and unwarranted arrests. These safeguards ensure everyone can participate in legal proceedings without fear, regardless of their circumstances.

Clear restrictions on civil arrests near courts can have serious consequences without these protections. Fear of arrest may discourage individuals from filing restraining orders, child custody petitions, or other crucial legal actions. This particularly impacts victims of domestic violence, tenants facing eviction, and immigrants seeking legal status or protections. The threat of arrest at courthouses may also dissuade key witnesses from testifying in criminal or civil cases, weakening the ability of courts to administer justice fairly. When people avoid court proceedings due to fear, the judicial system becomes less effective, and justice is denied to those who need it most.

Rhode Island is not immune to these harmful practices. Across the country and here in our state, we have seen instances where individuals have been arrested at or near courthouses while attempting to access justice. These arrests have created chilling effects on vulnerable communities, deterring individuals from exercising their legal rights and further marginalizing those who already face systemic barriers. If we fail to take action, these injustices will persist, leading to more wrongful detentions, weakened legal protections, and distrust between the community and the judicial system.

Additionally, without explicit protections, individuals—especially those from marginalized communities—may be unfairly targeted and arrested in retaliation for exercising their legal rights, further perpetuating systemic inequalities. Allowing indiscriminate civil arrests in or near court facilities increases the risk of wrongful detentions, leading to costly litigation and potential liability for law enforcement agencies and state entities. Arrests that interfere with

court attendance compromise the fairness of legal proceedings, mainly when individuals are detained before they can present evidence or testify on behalf of themselves or others. Such practices obstruct justice and erode trust in the legal system, making it more difficult for courts to fulfill their essential societal role.

By passing this legislation, Rhode Island can ensure that all individuals—regardless of background or circumstances—can exercise their right to due process and access the courts without unnecessary fear or obstruction. We urge you to support this critical bill and uphold the fundamental principles of justice and fairness.

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