

OFFICE OF THE PUBLIC DEFENDER

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April 22, 2025

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No.: 5895

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE – DOMESTIC VIOLENCE PREVENTION ACT.

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender opposes HB5895, which seeks to amend the domestic violence reporting law to include mandatory e-filing domestic violence reports with the administrative office of state courts any time a law enforcement officer “responds to or investigates a domestic violence incident, including a verbal argument or dispute.” While we recognize the intent behind the legislation and support efforts to protect victims of actual domestic violence, our office has significant concerns about the potential consequences of this proposed bill.

It is our office’s position that even the existing statute, which requires the filing of such forms whenever law enforcement investigates or responds to a domestic violence incident, already is excessive in its reach, as the requirement exists whether or not an arrest occurs. Unlike in the context of sexual assault or child molestation, which similarly requires the filing of reporting forms, the current law on domestic violence reports does not first require a determination of probable cause.

The proposed bill goes even further, requiring domestic violence forms—which include sensitive identifying information such as names, dates of birth, and relationships—even in cases where law enforcement responds to mere verbal arguments. This data would therefore be captured and entered into the court’s e-filing system, potentially exposing personal details about private matters, regardless of whether legal intervention was warranted.

Further, when such forms are filed in connection with investigations of sexual assault or child molestation, they are later expunged upon adjudication of acquittal, dismissal, or other exoneration. The domestic violence reporting law, including the proposed amendments in HB5895, does not contain an expungement provision. As a result, even in cases where no arrest is made, no charges are filed, and no clear evidence of violence exists at all, individuals could be unjustly marked by the state court system without a mechanism for ever removing these reports.

Finally, the requirement to file a report for every call for a verbal argument could overwhelm law enforcement agencies, further strain their resources, and reduce their ability to respond effectively to actual cases of domestic violence.

Administration	Appeals	Felony Division	Misdemeanor/PAC	Licht VOP Unit	Family Court	Investigations
222-1511	222-1510	222-1540	222-1520	222-1312	222-1530	222-3492

In conclusion, the Office of the Public Defender urges the committee to reject the proposed amendment.

Sincerely,



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