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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 7552

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES – THREATS AND EXTORTION

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender opposes House Bill 7552, which would add any school official to the definition of a “public official” for the purposes of 11-42-4, which makes it a crime to threaten a public official with bodily harm. While the Office of the Public Defender understands the impetus behind this legislation and the critical and often under-appreciated role that school officials play in our society, we are particularly concerned with the outsized impact this could have on the young Rhode Islanders who interact with school officials on a near-daily basis during the school year.

This statute would make *any* threat of bodily injury to a school official, however idle or far-fetched, a felony. First, although juveniles are not charged criminally, youngsters would face delinquency proceedings in the Family Court (complete with exposure to detention at the Rhode Island Training School) for such an act. While threats to a school official are certainly inappropriate, such behavior from a young person would be better dealt with on a much less drastic level, especially since science has made it clear that “[i]t is not until age twenty-one that individuals experience tremendous gains in emotional maturity, impulse control and decision making that continue until the brain becomes fully developed in the mid-twenties.”¹ But this legislation would require law enforcement to charge a teenager every time they utter such language, even if they were just letting off steam in a moment of adolescent frustration.

Even more dangerously, this bill would create a minefield for the students who have reached the legal age of maturity. Although technically adults, all the brain science research reveals that even eighteen-year-olds display decreased levels of maturity, rational thought, and the appreciation for the long-term consequences of their behaviors.² For these students, the

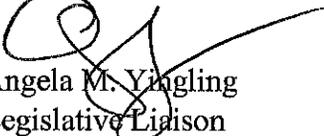
¹ Lauren Fine, *Death Behind Bars: Examining Juvenile Life Without Parole in Sullivan v. Florida and Graham v. Florida*, 5 DUKE J. OF CONST. L. & PUB. POL’Y 24, 41, 41–42 (2009) (internal quotation marks omitted).

² *Id.*

consequences of a brief, hyperbolic utterance could have life-altering consequences that might follow them for years—if not decades.

While the Public Defender's Office realizes how hard it is to work in a classroom setting, we believe that the inclusion of school officials in the threats statute would do much more harm than good, especially for the young Rhode Islanders who are learning how to become mature, productive members of society. There are many ways of handling this type of inappropriate behavior—such as an internal school or family discipline—without resorting to the criminal justice system. Accordingly, we oppose the passing of HB 7552.

Sincerely,



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