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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8064

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** House Bill 8064, which would require those defendants convicted of failing to register as a sex offender to be subject to an additional ten years of registration after every conviction. We understand the purported logic behind this bill—if someone has failed to keep up with their obligations, shouldn't those obligations be extended?—but our first-hand experience with these cases has led us to realize why this is not the panacea it promises to be at first glance.

The concerns with this circular scenario were recently expressed by the Rhode Island Supreme Court in *Atrezyck v. State*, 268 A.3d 37, 43 n.11 (R.I. 2022); such a scheme would, in the words of Justice Goldberg, “lead[] to a continuum of registration requirements on the installment plan, with no end in sight for an accused whose initial requirement arose pursuant to a guilty plea in 1993, when he was seventeen years old.” This, as the Court recognized, would do nothing to ensure the future safety of the community, but would needlessly require the state to keep tabs on people who have avoided deviant behavior for a decade.

As both the Supreme Court and our attorneys are aware, a defendant's failure to register is rarely related to one's risk of recidivism; rather, it is almost always due to a lack of means or mental health resources. There is a reason that the Supreme Court shied away from reading such a requirement into the statutory scheme; it would create a costly and ineffective vicious cycle that would not lead to a reduction of sex crimes and would disproportionately punish those who lack stable housing. Accordingly, we ask this Committee to reconsider H8064.

Sincerely,

/s/ Angela M. Yingling

Angela M. Yingling

Legislative Liaison

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