

# OFFICE OF THE PUBLIC DEFENDER

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## **TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:**

**House Bill No. 8078**

### **ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE—COUNTY GRAND JURIES**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** House Bill 8078, which would allow grand juries to submit a report to the presiding justice of the Superior Court who could then, in certain circumstances, order that report to be labeled as a public record. While we recognize that this version of the bill enacts more safeguards than previous versions, it does not address the heart of our concerns: that the sacrosanct secrecy of grand jury proceedings will be invalidated.

Rhode Island, guided by the principles enshrined in the United States Constitution, has established its own statutory framework under Title 12 of the Rhode Island General Laws mandating grand jury indictments in certain felony cases. Traditionally, the grand jury operates with a veil of secrecy. This confidentiality serves manifold purposes: it deters individuals under investigation from evading justice or influencing the jurors, fosters candid testimony from witnesses, and shields the innocent from unjust prosecution and defamation.

The grand jury wields considerable investigatory authority, encompassing the power to compel testimonies and witnesses in a discreet setting, as well as the production of pertinent evidence, all aimed at ascertaining whether there is sufficient evidence to warrant the filing of criminal charges. Notably, the proceedings occur in the absence of a presiding judge, without the right to legal counsel, and under the guidance of the prosecutor, with the defendant lacking the opportunity to present their case. H8078 poses a significant threat to the protections afforded by this secrecy.

Moreover, the notion of the judiciary ordering that a report on a grand jury's findings be labeled a public record creates an unwarranted perception of judicial endorsement of proceedings in which the judiciary played no direct role.

Finally, under this bill, these reports could be issued whenever the grand jury it determines the matter is "one of public concern." This vague standard would be difficult for experienced jurists to parse, let alone the lay citizens, and could lead to an uneven application of the statute.

For all these reasons, we urge this Committee to preserve the sanctity of the grand jury and reconsider this H8078.

Sincerely,

/s/ Angela M. Yingling

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Legislative Liaison

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