

# OFFICE OF THE PUBLIC DEFENDER

160 Pine Street, Providence, Rhode Island 02903

TELEPHONE: (401) 222-3492

FAX: (401) 222-3287

EMAIL TO: [info@ripd.org](mailto:info@ripd.org)

WEBSITE: [www.ripd.org](http://www.ripd.org)

March 24, 2026

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

### **House Bill No. 8058**

### **ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES—COMPUTER CRIME**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** House Bill 8058, which would make it unnecessary to prove that a person’s transmission of electronic communications be for the sole purpose of harassment before being found guilty of cyberstalking or cyberharassment. This amendment, if enacted, would have significant consequences that could lead to the prosecution of legitimate communication.

This is a statute that criminalizes speech, which the Constitution requires us to restrict very narrowly. Under the existing statute, the requirement that the communication be made for the “sole purpose” of harassment serves as an important safeguard to ensure that people are not unjustly prosecuted for contacting someone for a legitimate reason. Removing the word “sole” would broaden the law’s scope to include communications that the recipient could arguably claim is harassing, regardless of the sender’s intentions. This would not only unfairly punish innocent people, but it also runs a real risk of losing a constitutional challenge in court.

For example, consider a constituent, who is deeply passionate about a specific piece of legislation and sends daily emails to their legislator, urging them to support or oppose the bill. While the constituent’s intentions are to express their views and influence public policy, a deluge of such emails could be viewed by the legislator’s office as “a willful course of conduct directed at [the legislator] which seriously. . . annoys . . .the person.” The legislator might feel that after the first several such messages are sent, further daily communications saying the same thing serve no legitimate purpose, thus at least arguably making them “harassing” by statutory definition. *See* R.I.G.L. § 11-54-4.2. The same could be true for an imprisoned client writing to his attorney every day, asking the same questions that have already been answered a dozen times, because he is nervous about the case.

Under the current statute, neither the constituent nor the defendant’s actions—both of which arise out a constitutional right—would not be subject to prosecution, because regardless of the recipient’s perception, the communications could not be said to be made for the “sole purpose” of harassment. The proposed amendment risks conflating well-intentioned communication with actual harassment, which could result in people being subjected to criminal prosecution for actions they never intended to be harmful, and which are protected by the Constitution.

Accordingly, the Office of the Public Defender respectfully urges the Committee to reject the proposed amendment to the disorderly conduct statute.

Sincerely,  
/s/ Angela M. Yingling

Angela M. Yingling  
Legislative Liaison  
Office of the Public Defender  
401-222-1505  
ayingling@ripd.org