

April 3, 2026

RE: Follow-Up Notes from March 24 Hearing on H8272 - “An Act Relating to Criminal Offenses – Law Enforcement Sexual Misconduct”

To the House Committee on Judiciary,

Thank you for taking the time to listen to testimony last week on H8272, which prohibits law enforcement sexual penetration and sexual contact when the victim is in police custody, under arrest, or subject to an investigation and thus cannot consent. I wanted to follow up with my clarifications on the sex offender registry comments, as promised. For more information on police sexual misconduct legislation generally, please see the written testimony and attached resource I submitted in advance of the hearing.

When Deputy Speaker Hull introduced the bill, a few questions came up concerning the sex offender registry list and some different penalty guidelines between the proposed law and existing sexual assault laws, in response to written testimony submitted by the Office of the Public Defender ([here](#)). The Public Defender is concerned that offenders “could be charged under this [law enforcement sexual misconduct] statute instead of the more serious crimes of first- or second-degree sexual assault (which require registration).” Police sexual misconduct is absolutely a serious crime deserving of serious punishment. The intent of these laws is not to create a lesser offense, and this bill does not prevent appropriate penalties from being levied against offenders. It does not preclude offenders from being prosecuted for both law enforcement sexual misconduct and sexual assault. It instead ensures that there is a specific statute addressing police sexual misconduct to recognize the unique circumstances of the crime, and to increase trust between peace officers and the communities they serve.

Consent

Critically, the present bill specifically prevents the use of the consent defense.¹ During sexual assault prosecutions, the accused can offer a defense that the alleged victim consented to the sexual contact. By preventing the use of this claim, this bill recognizes that sexual contact between law enforcement and someone they encounter during the course of duty *cannot* be consensual due to the inherent power imbalance between the parties at the time of the sexual contact and in any subsequent legal proceedings. If police sexual misconduct was only prosecuted under sexual assault statutes as they are written today, the consent defense would still be available.² This bill creates necessary redundancy with existing law to ensure that no offense goes unpunished, and that, by definition, sexual contact between peace officers and persons in their custody or otherwise in their control, is nonconsensual.

¹ See H8272, page 2, lines 3 and 17.

² The bill also creates an affirmative defense for accused perpetrators that the sexual penetration or contact resulted from force or coercion by the alleged victim (page 2, lines 1 and 15). Relying solely on existing sexual assault laws would also remove this protection for situations in which the accused may have been abused by the alleged victim.

Sex offender registry

R.I.G.L. [§ 11-37.1-3](#) details which persons are required to register as sex offenders; there are two terms within that statute that apply here. Subsection (a)(2) requires sex offender registration for persons who have committed a “*sexually violent offense*” as defined in [§ 11-37.1-2\(v\)](#), including sexual assault in the first, second, and third degrees,³ among other sexually violent crimes; the present bill does not add the law enforcement sexual misconduct statutes to this list of “sexually violent offenses”. Because offenders can be prosecuted under law enforcement sexual misconduct and sexual assault laws for the same offense, those also prosecuted for a sexual assault offense would subsequently have to register as a sex offender.

Subsection (a)(4) also requires registration for persons who have committed an “*aggravated offense*” as defined in [§ 11-37.1-2\(b\)](#), which includes the “sexual penetration of victims of any age through the use of force, or the threat of use of force”. The present bill creates two new offenses – law enforcement sexual penetration and law enforcement sexual contact. Proposed law [§ 11-71-1](#) gives “sexual penetration” the same meaning as defined in the sexual assault section,⁴ so most law enforcement sexual penetration offenses would qualify as “aggravated offenses” that require sex offender registration. If the legislature believes the law should be firmer or more specific on registry requirements, the statutes proposed in this bill could be included in the “sexually violent offense” definition.

Other comments/resources

Deputy Speaker Hull mentioned the passage of a law making sexual relations between corrections employees and inmates a felony, [§ 11-25-24](#). That law only includes sexual penetration; the present bill includes both sexual contact and sexual penetration. Correctional officers are under the umbrella of “peace officers”,⁵ so this bill would also ensure that unwanted sexual contact is not allowed in the correctional setting. This legislature has already shown the will to prevent authority figures from using their power to exploit victims, so hopefully that commitment to justice will continue with this bill.

I’m also happy to discuss in greater depth the amendments suggested by the Office of the Public Defender, either amending the existing “force or coercion” definition to define police sexual misconduct as inherently coercive, or amending the existing sexual assault laws to include sexual contact with people in custody, similar to how they currently include mentally incapacitated persons. Those suggestions are not unlike some laws in other states, because these policies take many different forms, but ultimately they arrive at the same result. My primary concern with the Public Defender’s suggestion is it does not prohibit the use of the consent defense – but of course that could be amended into any version of this legislation. Ultimately, I believe we’re all on the same page and can easily amend this bill to address potential concerns and make it as protective as possible.

³ [Title 11, Chapter 37 – Sexual Offenses](#) - §§ 11-37-2, 11-37-4, 11-37-6

⁴ H8272 page 1, lines 5-10; [§ 11-37-1](#) “Definitions”.

⁵ H8272 page 1, line 8; [§ 12-7-21](#) “Peace officer” defined”.

I hope that clears up some of the questions that came up last week. Please reach out if you have any additional follow-up questions or if I can share any resources on this issue. I'm more than happy to get even deeper in the weeds with this!

Thank you again for your time and your sincere engagement with this issue.

Best,
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