

Testimony regarding H8057 and H7201

Rhode Island Judiciary Committee

April 9, 2026

There are several legal and policy concerns with this kind of legislation. Some raise constitutional based issues, while others relate to real life tests and enforcement.

In short, the proposed legislation's biggest issues are:

- Vagueness and overbreadth
- Free speech infringement
- Discretion-heavy enforcement
- Excessive or inflexible penalties

1. Vagueness and Overbreadth

The phrase "*to engage or attempt to engage...in conversation*" for purposes of prostitution or "other indecent act" is overly broad.

- It risks criminalizing ordinary, innocent behavior (e.g., someone talking to a stranger from a car).
- Courts often strike down laws that are too vague under the Due Process Clause, because people must clearly understand what conduct is illegal
- "Indecent act" is especially undefined and could lead to arbitrary enforcement.

2. First Amendment Concerns

Talking or attempting to talk to someone is generally protected speech.

- Criminalizing "attempts to engage in conversation" could violate the First Amendment and further demands the law be narrowly tailored
- Even if the intent is illegal, the statute must clearly distinguish between protected speech and criminal conduct.
- Because the law is broad, people may avoid lawful interactions out of fear and this chilling effect could raise freedom of speech concerns

3. Proof of Intent Issues

The law hinges heavily on *intent* (e.g., "for the purposes of prostitution").

- Intent is difficult to prove and may rely on subjective judgment.
- This increases the risk of wrongful arrests.

4. Mandatory Minimums and Non-Suspendable Fines

The statute imposes fixed fines and prohibits suspension.

- Can disproportionately impact low-income individuals, potentially leading to cycles of debt or incarceration.

5. Mandatory “John School” Program Fees

The required \$1,000 fee for the “commercial sex buyer’s accountability program” raises issues:

- Functions like an additional penalty rather than purely educational.
- May be challenged as excessive or punitive, especially when combined with other fines.
- Again, disproportionately affects low-income individuals