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ACLU OF RI POSITION: SUPPORT/AMEND

TESTIMONY ON 26-H 8328, RELATING TO COURTS AND CIVIL PROCEDURE – COURTS — PERMITTING VIRTUAL OR REMOTE COURT HEARINGS April 9, 2026

The ACLU of Rhode Island supports this legislation which would permit all Rhode Island courts to conduct hearings remotely and allow parties and their attorneys to appear by telephone or video conference. This bill is particularly timely given the terrorizing impact that Immigration and Customs Enforcement (ICE) agents and actions have had on Rhode Islanders.

This bill is an important antidote to address the growing tide of immigration enforcement taking place at or near courthouses in the state, an activity that deters some people from attending court hearings for fear of interaction with ICE. We have all read or heard about the out-of-control actions that ICE agents have taken in and around our state's courthouses – bypassing security and rushing into the Garrahy courthouse with guns and unlawfully seeking to grab a court intern outside the Licht complex from the car of a Superior Court judge, to name two – that demand action from the legislature.

It needs to be emphasized that people come to court for many important reasons: to obtain restraining orders as victims of domestic violence, to testify as witnesses in criminal cases, and to pay traffic fines. The administration of justice depends on all people having free and full access to the courts. The state cannot deliver the promise of equal access to justice and due process under the law while a segment of the community is afraid to appear in court or cannot otherwise access the court. In light of the fear that these ICE arrests have understandably generated in the immigrant community, for both documented and undocumented residents alike, and its resulting severe and adverse impact on access to the courts, we urge passage of this bill.

The impact of permitting requesting remote court hearings goes beyond the benefits to the immigrant community. This will also help individuals facing accessibility barriers, healthcare issues, and access to childcare.

The legislation also, necessarily, gives courts the authority to require a person's physical appearance when appropriate. Indeed, in some cases, it may be constitutionally required. In order to avoid any disputes about those situations, we would support adding clarifying language to the bill that acknowledges the constitutional factors that may need to be taken into account in determining whether remote participation can be allowed. With that minor elucidation, we urge the committee's support of this bill.