

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

WEBSITE: www.ripd.org

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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8062

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES—HAZING

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender writes to express concerns about H8062, which proposes changes to the criminal hazing statute. While we recognize the importance of addressing hazing within educational institutions, we have reservations about certain provisions within the bill.

Our primary concern pertains to the criminalization of a school official who **negligently** fails to prevent hazing. While the existing statute penalizes school officials who “knowingly permit” hazing, the proposed bill goes further, adding behavior that would typically result in civil liability rather than criminal punishment. The negligent behavior contemplated by the proposed bill would be more appropriately addressed within the civil legal framework. In order to give rise to criminal charges, we would recommend considering a higher standard than negligence, such as wantonness.

Furthermore, we noted an inconsistency within § 11-21-3, which is titled “Serious Bodily Injury Due to Hazing,” yet uses the phrase “serious injury” within the text of the section. This inconsistency is further highlighted in § 11-21-5 which provides the definition for “serious bodily injury.” We believe this to be an oversight and suggest correcting this error to ensure clarity and avoid confusion in the interpretation and application of the statute.

We appreciate the efforts of the sponsor in addressing important issues related to hazing prevention and enforcement. However, we urge careful consideration of the concerns raised to ensure that any legislative measures adopted effectively achieve their intended goals while also upholding principles of fairness and clarity within the legal framework.

Thank you for your consideration of our testimony. We would welcome the opportunity to further discuss our concerns about this bill.

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