

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

April 30, 2026

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8432

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES—ASSAULTS

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender opposes the passage of H8432, which would make an otherwise-misdemeanor assault upon a railroad worker a felony if it occurs while they are performing their official duties. We recognize that railroad workers perform an important function in our society, and our opposition to the bill is not due to a lack of appreciation for their work, but rather due to our concern about the growing list of professions included in § 11-5-5 (Assault of police officers and other officials).

It is never acceptable to assault anyone, let alone while they are performing their official duties, but that is why every assault **is already illegal**. A case could be made for every professional to be included in the enhanced penalty category created by § 11-5-5, but that runs the risk of turning the scheme into an “exception-swallowing-the-rule” dilemma. After all, even a misdemeanor assault can subject the perpetrator to an entire year in prison if the trial justice believes it is warranted. That is an unusual sentence to be sure, but that rarity with which it is applied means that the current statutes adequately cover the range of conduct seen by the courts. And if the conduct is bad enough—*i.e.*, resulting in serious bodily injury—the felony assault statute would ensure that the perpetrator is appropriately sanctioned.

We submit that existing statutory scheme adequately penalizes assaultive behavior and allows the courts to appropriately increase the penalties when aggravating circumstances exist—all while maintaining the necessary level of judicial discretion that is required such fact-driven scenarios. While remaining sensitive to important function that railroad workers play in our society, the Public Defender’s Office is concerned about the over-prosecution that would result from H8432 and therefore opposes the passage of this bill.

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