

ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 26-H 8463,
AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST
April 30, 2026**

This legislation would make it unlawful for a person in the custody of the department of corrections to use “any force or weapon to resist a lawful request or directive.” Because we are concerned that this broad restriction could be misused to punish prisoners, parolees or probationers under questionable circumstances, the ACLU of Rhode Island opposes this bill.

First, it should be clear that it is already a crime for any of these individuals to assault a DOC employee, so at best the enactment of this law would allow for the double charging of individuals for the same offense, putting pressure on them to plead even if they believe they are innocent of the charge. Second, it should also be clear that in every circumstance governed by this bill, a prisoner would be subjected to potentially severe *administrative* punitive consequences for using any force against a correctional officer.

In light of these avenues that already exist in the law, we fear that this charge will be used in disputed, and potentially questionable, factual circumstances. This statute currently makes it a crime for a person to use force or a weapon to resist a police officer, but at least in that instance the person must be in the process of being arrested (i.e., purportedly engaged in some other type of illegal conduct first), not merely failing to comply with an officer’s “request.” Indeed, if the same broad language being proposed to protect DOC employees were used in the police officer context, one could easily envision how its scope would almost certainly be used in ways that unfairly targeted individuals for discriminatory treatment.

Because this bill is unnecessary and could clearly be abused, we urge the committee to oppose it. Thank you for considering our views.