

OFFICE OF THE PUBLIC DEFENDER

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March 10, 2026

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

Senate Bills No. 2302

ENTITLED, ACTS RELATING TO CRIMINAL OFFENSES – OBSTRUCTING JUSTICE

Chairman LaMountain and Members of the Senate Judiciary Committee:

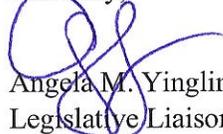
The Office of the Public Defender **opposes** Senate Bill 2302, which would make it a misdemeanor to file a false report of misconduct by law enforcement personnel, emergency personnel, and/or hospital staff. We believe that criminalizing such reports could have significant unintended consequences that could undermine the goals of accountability and transparency in law enforcement and healthcare settings.

One of the primary risks of criminalizing false reports of misconduct is the possibility that it would discourage individuals from coming forward with concerns about the behavior of law enforcement, medical personnel, and emergency responders. The fear of criminal prosecution for unintentionally submitting a false report of misconduct could lead to self-censorship, where citizens hesitate to speak out about abusive or unethical behavior, even when they have legitimate concerns. The potential for punitive consequences may force individuals to remain silent, thus allowing misconduct to go unchecked and depriving communities of the transparency and accountability they deserve.

Further, unlike filing a false police report, which typically involves a deliberate attempt to mislead law enforcement or obstruct justice, a false report of misconduct, even if found to be inaccurate or mistaken, may arise from a person's perception of a situation and not necessarily out of malicious intent. A hospital patient may believe they are reporting misconduct when, in fact, they have misunderstood a situation or misinterpreted actions. This could result in penalizing individuals who acted in good faith but made an honest mistake.

False police reports can have severe and far-reaching consequences such as diverting attention away from real criminal activity and potentially leading to the wrongful prosecution of an innocent person, which undermines public safety and makes criminal penalties more justified. By contrast, false reports of misconduct typically involve internal investigations and create less severe and more localized harm. Thus, we urge the Committee to reconsider this bill in light of these unintended consequences.

Sincerely,



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