

The Just Criminal Justice Group, LLC



Michael A. DiLauro, Esq.
Owner/Manager

TESTIMONY IN OPPOSITION TO:

Senate Bill No. 2316

**BY Tikoian, LaMountain, Gallo, Burke, Dimitri, Famiglietti, Thompson, Raptakis, Appollonio,
Patalano**

**ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS {LC3595/1} (Makes an
assault upon a sports official during and in the course of their official duties a felony.)**

The opposition to the legislation referenced here is based upon the following:

- Every single act proscribed by the legislation is already covered under existing law.
- Every single sentence and conditions prescribed by the legislation are already available under existing law.
- As such, the legislation amounts to “overcriminalization”, the dangers of which in this context are well understood:
 1. It hands prosecutors too much leverage. If one act can be charged under multiple statutes, prosecutors can “stack” charges or pick the harshest one. That can turn plea bargaining into pressure bargaining: plead guilty or risk a much worse outcome. Even if the conduct is the same, the potential punishment suddenly balloons.
 2. It undermines notice and predictability. Criminal law is supposed to tell people, in advance, what conduct is illegal and what the consequences are. When overlapping statutes cover the same behavior with different penalties, it’s harder for ordinary people to know what rule they’re actually violating and how serious it is.
 3. It invites arbitrary or uneven enforcement. Two people commit the same act, but one gets charged under a mild statute and the other under a severe one—often based on

geography, prosecutor preferences, or implicit bias. That erodes the idea that the law applies equally to everyone.

4. It risks double punishment in practice. Constitutionally, double jeopardy limits multiple punishments for the same offense—but overlapping statutes can still lead to multiple counts, longer sentences, or harsher sentencing ranges that functionally punish the same act more than once.
5. It blurs legislative intent. Criminal statutes are supposed to reflect deliberate policy choices about what conduct deserves punishment and how much. When several statutes cover the same act, it often signals sloppy drafting or political overreach rather than a carefully calibrated system of criminal liability.
6. It shifts lawmaking power from legislatures to prosecutors. Instead of lawmakers deciding how serious a crime is, prosecutors effectively decide by choosing which statute to charge. That's a quiet but significant transfer of power.
7. Finally, it will make even simple criminal cases more litigious and complex. Depending upon the facts of the case, the charging decision, and the verdict returned by the jury, additional and more complex litigation will result at the pre-trial, trial, and sentencing stages in even simple criminal cases.

Michael A. DiLauro, Esq.
The Just Criminal Justice Group, L.L.C.
P.O. Box 7000
Warwick, RI 02887-7000
401-487-3644
madpd2001@yahoo.com