

OFFICE OF THE PUBLIC DEFENDER

160 Pine Street, Providence, Rhode Island 02903

TELEPHONE: (401) 222-3492 FAX: (401) 222-3287

EMAIL: info@ripd.org WEBSITE: www.ripd.org

March 12, 2026

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

Senate Bills No. 2489

ENTITLED, ACTS RELATING TO DOMESTIC RELATIONS—DOMESTIC ABUSE PREVENTION

Chairman LaMountain and Members of the Senate Judiciary Committee:

The Office of the Public Defender **opposes** Senate Bill 2489, which adds an additional definition to the term “domestic abuse” in Chapter 15 of Title 15. Under this chapter, a “domestic abuse” victim can file a complaint that might result in a judicially-issued no-contact order, the violation of which is a criminal offense. Because orders issued under this chapter can lead to criminal charges, we must be careful that they are only issued under a clear rubric. Otherwise, we run into the likelihood of arbitrary or inconsistent enforcement and the possibility that constitutional vagueness and first amendment issues could arise in the enforcement of the orders.

While the bill has a laudable goal—attempting to thwart harmful controlling behaviors that can occur between domestic partners—human relationships are so complicated and multi-faceted that it is extremely difficult to write a bill of this nature with clear definitions and enforceable mandates. The bill attempts to define the term “coercive control” as “a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty.” As this is an extremely theoretical phrase, the bill then tends to further define the term through examples. Some of these examples describe behaviors that are already illegal regardless of the domestic nature of the parties—such as committing cruelty to animals or forcing sex acts—and, thus, their inclusion in this statute is unnecessary to deter such behavior.

Others present the vagueness problem mentioned above. Among other things, the bill would define “coercive control” as “[i]solating another from friends, relatives or other sources of support;” or “controlling, regulating or monitoring another’s movements, communications, daily behavior, finances, economic resources or access to services[.]” These two clauses describe behavior that exists on a spectrum, and it is difficult to know when such behaviors cross the line from imperfect-but-legal to that which “in purpose or effect unreasonably interferes with a person’s free will and personal liberty.” Certainly, we do not want the state policing all of our domestic interactions; that is why the current definition—which includes physical abuse, sexual abuse, and stalking—is constitutional. It is a lot easier to determine whether one person has physically struck or sexually assaulted another than it is to determine that one has “monitored another’s movements” in a way that “unreasonably interferes with [that] person’s free will and personal liberty.”

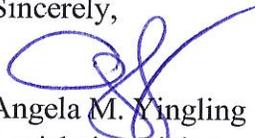
Here is just one example of the vagueness problems that accompanies this bill: many couples enable the “find my location” features on their smartphones to let them know where their partner is at all times. However, such a feature certainly interferes with a the person’s personal liberty—but is it

Administration	Appeals	Felony Division	Misdemeanor/PAC	Licht VOP Unit	Family Court	Investigations
222-1511	222-1510	222-1540	222-1520	222-1312	222-1530	222-3492

unreasonable? What if both parties started out agreeing to the arrangement, but then one started using it more and more often, and the other is beginning to feel uncomfortable? Is discomfort the same as being unreasonably interfered with? Shouldn't these issues be straightened out in couples counseling rather than in a courtroom?

While emotional abuse is certainly a problem in relationships, it exists along such a thorny and difficult spectrum that it is almost impossible to legislate. We can easily proscribe certain behaviors—such as hitting, strangling, vandalizing—but, when it comes to such emotionally controlling issues, it is a lot more complicated to find the lines between the normal, the concerning, the troubling, and the criminal. This spectrum is, by its very essence, going to be impossible to regulate without running into constitutional enforcement problems. Accordingly, the OPD urges the Committee to reconsider S2489.

Sincerely,



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