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**TESTIMONY ON 19-H 5488, 19-H 5701 AND 19-H 5755,  
RELATING TO SEX OFFENDERS  
March 12, 2019**

**1. H-5488.** The ACLU of RI opposes this bill, which would authorize innkeepers to kick out any Level III sex offender living in the establishment for more than 30 days. Sex offenders deserve to be punished for their crimes, but this legislation – like many of the other laws that target sex offenders – is counter-productive and will have no positive effect on public safety. Instead, it serves to further punish offenders after they have been released from prison, and it can have the effect, however unintended, of unnecessarily promoting re-incarceration.

Similar to the residency restrictions that the General Assembly has enacted, which bar sex offenders from living within a certain distance of schools, this bill is based on the deeply flawed assumption that strangers commit most sexual abuse. Yet the statistics are clear: approximately 90% of child sexual assaults are committed by family members, friends or acquaintances of the victim, not by strangers who find their victims at schools or bus stops or hotels. Thus, bills like this completely miss the mark.

Unfortunately, they also have the negative impact of making it very difficult for sex offenders to reintegrate themselves into the community, and the resulting instability can have the effect of increasing, rather than decreasing, the likelihood of recidivism. It also increases their risks of homelessness and thereby limits police ability to monitor their location.

Some of the offenders whom this bill is aimed at are probably living in these hotels because the residency laws this General Assembly has passed have forced them to go there. In light of the counterproductive consequences associated with this legislation, we urge its rejection.

**2. H-5701.** This bill would delay for one year the implementation of amendments to the Sex Offender Registration and Community Notification Act that the General Assembly passed last year, which also involve residency restrictions. The ACLU opposed both the law imposing residency restrictions which was amended by the 2018 legislation, and the amendments that the 2018 law contained. A restraining order against implementation of the original law remains in effect, and the ACLU is prepared to seek a restraining order against last year's amendments before their July 1 implementation date. We see no value or purpose in delaying the law's effects for a year; the unconstitutionality of either version will not, we submit, improve with age. Instead, the Committee should be considering repeal of the current residency bans.

**3. H-5755** would allow a court to raise or lower a sex offender's community notification level in considering an appeal of the administrative board's determination. The ACLU opposes this bill because it would chill the right of offenders to challenge their community notification level. An offender who believes that the notification level is too high could face an even higher level if the court decides that the board's decision was too lenient rather than too harsh. This can only have an inappropriate deterrent effect on an offender's good faith choice to appeal a decision. Instead, we urge that the bill be amended, in consideration of double jeopardy principles and due process, to allow a court to only reduce, not raise, the classification level of an offender.

