

May 24, 2024

Dear Representative:

As organizations that work daily on issues of educational and criminal justice reform and routinely see the harmful effects that unnecessarily severe criminal penalties inflict on families, **we urge you to vote against H-7303**, a bill that would make it a felony, with a potential sentence of up to five years in prison, for a student or parent to directly or indirectly threaten a public school employee with physical harm.

Actual threats of harm to school personnel deserve to be punished, but they already can be under existing laws. Passage of this bill, with its harsh penalties and overbroad reach, will only exacerbate the school-to-prison pipeline and undermine the goal of justice reinvestment that the legislature has commendably embraced in recent years.

- **As written, this law makes criminal a wide range of emotionally charged comments expressed by people in the heat of the moment that are not true threats.** It would be a felony under this law to make *any* threat of bodily harm to a school employee, regardless of whether it could reasonably be perceived as threatening or is intended as an actual intent to harm. It thus encourages making felons out of overwrought parents who – in the throes of anger or passion in defending their child – make comments that nobody would take seriously as a true threat of harm and that are of a type uttered literally thousands of times a day.

- **The bill's application to students is especially harmful, turning young children into felons for making inappropriate comments, with no real intent of harm, during stressful situations.** We are particularly fearful of the bill's likely application to students with special needs who deserve support, not the long arm of the law, when they act out with rash comments. Children can make thoughtless comments in the heat of the moment, but they should not face felony penalties for saying childish, impulsive things.

- **The law's expansive scope means that both school officials and police will have tremendous discretion in deciding whom to charge with a felony.** Proponents of this bill may claim that administrative discretion will act as a check against the law's use in questionable situations. We fear just the opposite. Like criminal law generally and school discipline in particular, this charge is almost certain to be selectively and disproportionately deployed against parents in the inner city, not the suburbs, and against students of color and other vulnerable populations.

- **Fearing a felony conviction's ramifications, students and parents charged with this crime will often feel pressure to plead guilty to a misdemeanor offense even if their comments were not criminal in any way.** The threat of a felony record is certain to encourage those charged with this crime to accept plea deals that will give them a criminal record they do not necessarily deserve.

• **The law's application to "indirect" threats will improperly ensnare even more people.** This bill's scope will likely encourage some administrators to target students who make inappropriate, but not seriously intended, "threatening" comments to their friends about teachers. These are comments that school officials learn about – often without context – second-hand. Off-hand and immature comments made by one child to another about a teacher should not become a felony charge.

Enacting more laws creating more felonies for conduct that is already criminal does nothing to reduce crime, nor will it halt boorish behavior. Instead, in the school setting, we are deeply concerned about this bill's stifling impact on students and families and their interaction with school administrators and teachers. It will only breed mistrust. However good its intentions, please reject this bill.

Respectfully,

Alliance of Rhode Island Southeast Asians for Education (ARISE)
American Civil Liberties Union of Rhode Island
Black Lives Matter RI
Black Lives Matter RI PAC
Coalition for a Multilingual Rhode Island
Direct Action for Rights and Equality (DARE)
Latino Policy Institute
NAACP Providence Branch
Parents Leading for Educational Equity (PLEE)
Providence Student Union
Providence Youth Student Movement (PrYSM)
Rhode Island Black Business Association
Rhode Island Center for Justice
Young Voices