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New England First Amendment Coalition

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SENT VIA EMAIL TO
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ATTN: Rhode Island House of Representatives
Committee on Judiciary
Roberta Dimezza, Clerk

April 3, 2018

Dear Members of the House Committee on Judiciary,

On behalf of the New England First Amendment Coalition, I'm writing in opposition to House Bill 7452, "An Act Relating to Criminal Offenses - Electronic Imaging Devices." NEFAC is a regional non-profit organization that advocates for First Amendment freedoms and the public's right to know.

During the last two years, we have expressed our concern with legislative attempts to criminalize so-called revenge pornography that also infringe upon the First Amendment rights of Rhode Islanders. Most recently, we joined with the ACLU of Rhode Island, the Rhode Island Press Association and the Media Coalition to emphasize the need for an "intent to harm" standard in any legislation considered.

While an "intent to harm" standard is not included in House Bill 7452, it is included in House Bill 7718, which is supported by Gov. Raimondo and more effectively addresses potential First Amendment conflicts. We strongly encourage your committee to consider the governor's bill and to support the "intent to harm" standard it wisely includes.

This standard is already used by many states with revenge pornography laws. Without it, news organizations would risk criminal charges every time they chose to show nude images. This risk would lead journalists to self-censor and not publish newsworthy images they otherwise would. This is the chilling effect that could occur with the passage of House Bill 7452. In comparison, House Bill 7718 more effectively targets the purveyors of revenge pornography — which is the goal of this type of legislation — and also provides protection for news organizations.

Our coalition takes very seriously the privacy interests at stake with revenge pornography legislation. These interests, however, need to be protected in a way that does not infringe on the First Amendment rights provided by our Constitution.

Sincerely,

Justin Silverman

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