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**COMMENTS IN OPPOSITION TO 18-S 2281,
RELATING TO CONTRACTORS' REGISTRATION AND LICENSING BOARD
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Over the past several years, Rhode Island's state laws have consistently made obtaining employment nearly impossible for ex-offenders by imposing onerous background checks that disqualify individuals for long-distant convictions unrelated to the job sought. This legislation is among the most restrictive to date.

Under S-2281, every individual required to register or be licensed as a contractor will undergo a nationwide background check, looking for an enormous number of infractions unrelated to their fitness to perform the job at hand. These include patient neglect, drug offenses, "willful trespass," and some other seemingly random offenses which may have occurred years or even decades in the past. This runs contrary to guidance by the Equal Employment Opportunity Commission. To ensure background checks comply with Title VII of the Civil Rights Act, the EEOC requires certain factors to be taken into account in the hiring of individuals with criminal records: the nature and gravity of the offense, the time that has passed since the offense, conduct and/or completion of the sentence, and the nature of the job held or sought.

That the legislation includes the option for a contractor to be evaluated independently means little to those otherwise qualified individuals who will be denied a license. Few employers comfortably understand recidivism rates, and how the likelihood to reoffend changes over time. As such, the default response to a criminal record is likely to be a denial of license, even if that individual poses no risk to the community. This is especially so when a large number of individuals and offenses are under consideration.

Further, the legislation disqualifies those with nolo contendere convictions. Nolo contendere is intended to limit the lifetime effects on those individuals who are deemed by a judge to be low-risk offenders – instead of jail time, the offender receives probation and a deferred sentence. An individual whose record shows a nolo contendere judgment is a person who has completed their probation without issue and has, by definition, demonstrated that they are of no risk to the community and unlikely to reoffend. And, yet, this legislation treats these individuals for background check purposes as if they pose significant risk to the community around them. This serves only to continue punishing Rhode Islanders who have served their time and demonstrated their commitment to staying out of trouble.

Additionally, the ACLU of Rhode Island continues to oppose requiring individuals to pay for their own background checks. Since the background check is required for employment, it

amounts to nothing less than a fee for application, something Rhode Island law expressly prohibits. In light of all these concerns, the ACLU of Rhode Island respectfully requests the committee reject this legislation.