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**TESTIMONY ON 20 – H 7549,
AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS – TAXI CABS AND
LIMITED PUBLIC MOTOR VEHICLES
March 3, 2020**

The ACLU of Rhode Island appreciates the opportunity to provide commentary on H 7549, which would require the procuring of a background check clearance certificate before the issuance of a license for the driving of passengers for hire.

Along with a number of other advocacy groups, the ACLU has long been concerned about the barriers that broad-based criminal record check requirements can have on an individual's ability to obtain occupational licenses in Rhode Island. All too often, an individual's past criminal record, even if in the distant past and unrelated to the license being sought, can inappropriately prevent them from entering an employment field for which they may be wholly qualified.

While we appreciate the inclusion in this bill of an appeal process for those who have been denied the issuance of a clearance certificate due to their criminal background, the legislation should instead ensure that individuals are not being unjustly disqualified from the outset.

“Disqualifying information” in this legislation encompasses a broad and disparate range of offenses, including crimes such as felony drug offenses and felony obtaining money under false pretenses, and there is no specified length of time for which the charge can be used to disqualify the applicant. Though the appeal process allows the applicant to address both of these issues in the reconsideration of a denial of a certificate, we believe that the legislation should have a clear and defined lookback period for offenses, as well as a more select set of disqualifying offenses in the first place, limited to those that are directly relevant to the license being sought, thereby making some appeals unnecessary.

The breadth of crimes that constitute disqualifying information can only discourage some individuals from applying for a license in the first place. It affects, for example, an individual with a thirty-year-old felony drug possession charge and no other convictions, who would be denied a clearance certificate and then be required to try to overturn that denial. A person who committed a drug offense in their youth should not have to go through an arduous appeal process in the hope that it will ultimately allow them to obtain a license.

Access to reliable, consistent, and meaningful work is a critical component of community reintegration and rehabilitation for those who have been justice-involved. Although we appreciate the measures which have been included in this bill to account for this, we urge the Committee to impose further limitations on the use of criminal records which may unjustly prevent an individual from entering a field for which they may be eminently qualified.