

**TESTIMONY IN OPPOSITION TO 21-H 5097**  
**AN ACT RELATING TO CRIMINAL PROCEDURE -- VACCINATION JUMPING**  
February 9, 2021

The ACLU certainly appreciates the intent behind this bill, but we oppose its passage. Reports that people are “jumping the line” to receive Covid vaccinations are extremely troubling, but legislation like this only creates problems of its own.

We have two major concerns about the bill. First, the issue of “vaccination jumping” is much more complex than the bill suggests, and the creation of criminal offenses under those circumstances is fraught with difficulties. Due to unintended but inevitable ambiguities in the categories of eligibility, as well as continuing efforts by health officials to modify the vaccination schedule and tiers of eligibility – whether due to updated information about the impact of the disease on particular groups or revised guidance from federal officials – it will often not be clear whether inappropriate “jumping” has taken place. In fact, while a major impetus for this bill may have been media reports of hospital employees working remotely and hospital board members getting vaccinated before front-line workers, the Department of Health has acknowledged that they approved these vaccinations. A person should not have to fear facing serious criminal charges in light of the ambiguities present in the current process.

We also oppose the bill in light of our organization’s long-standing opposition to legislation that either unnecessarily creates new crimes or increases penalties for crimes which already exist. While the legislation seeks to address a legitimate problem, we consider it inappropriate for the General Assembly to turn this conduct into a criminal offense. If it wishes to prohibit this conduct in some way, it should consider a civil violation.

Especially in the context of national trends towards de-incarceration and recent Rhode Island state campaigns to critically examine the impact, fiscal and otherwise, that crime legislation has on our prison system, the legislature should be generally wary of enacting bills that create entirely new criminal penalties. That is particularly the case when the conduct may already be punishable under current fraud or similar statutes. For more information about the ongoing problem of overcriminalization and its consequences, we respectfully encourage members to read our report on the issue, *Rhode Island’s Statehouse-to-Prison Pipeline*, which is available on our website at [riaclu.org](http://riaclu.org).

For all these reasons, the ACLU opposes this legislation despite its understandable motives. Thank you for your consideration of our views.

Submitted by: Steven Brown, Executive Director