



AMERICAN CIVIL LIBERTIES UNION

Rhode Island

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ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 21 – H 6154,
AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT –
DEPARTMENT OF HUMAN SERVICES**
April 6, 2021

The ACLU of Rhode Island appreciates the opportunity to provide testimony in opposition to this legislation which would seek to impose an extremely broad requirement for criminal background checks on all employees in “any facility or business which teaches, gives lessons, classes, or training to children and youth.” Not only would this potentially subject individuals who have absolutely no interaction with youth to such record checks, but this legislation contains no meaningful restrictions on the types of businesses covered by it and no reference to the protections currently enshrined in state statute for justice-involved individuals seeking employment.

Our organization has long been concerned about the impact that broad-based criminal record checks can have on justice-involved individuals seeking employment, including individuals who are otherwise eminently qualified for the job that they are applying for. This legislation would not only expand the circumstances for these individuals to be inappropriately denied employment, but the list of affected entities is so open-ended – encompassing all businesses or facilities which teach or train youth in any capacity – that its implementation could cause confusion, especially because extensive background check requirements are currently codified within state law for a large variety of children and youth related positions and services. Aside from the lack of specificity as to the types of workplaces which would be required to conform with this language, every single employee at the facility or business would have to undergo a criminal record check, regardless of whether they actually interact with youth or not.

In addition, this legislation contains no reference to the critical “fair chance licensing” legislation passed in 2020, which ensures that no individual may be automatically disqualified from an occupational license due to their criminal record background and allows job applicants to provide proof of rehabilitation and appeal unfair denials. That law guarantees that individuals are not inappropriately barred from the workplace, and we are concerned that this bill does not reference these important protections. Instead, it lists a broad array of crimes – including felony drug offenses – that would automatically disqualify a person from employment, no matter how irrelevant or how long ago the conviction. The bill goes on to allow an employer to disqualify a person from employment *for any past criminal conviction whatsoever*. All of these provisions are in direct conflict with the “fair chance licensing” statute and undermine rehabilitative goals.

For all these reasons, we urge rejection of this bill. Thank you for your consideration.

Submitted by: Hannah Stern, Policy Associate