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ACLU OF RI POSITION: AMEND

TESTIMONY ON 24-H 7634, RELATING TO CRIMINAL OFFENSES – TRESPASS AND VANDALISM March 21, 2024

This bill would change the community service requirements to be imposed by judges against individuals convicted of graffiti offenses. While we do not have any strong views on the specific changes being made, we would urge the Committee and the sponsor to consider using this review of the statute as an opportunity to revisit the extremely harsh *prison* penalties associated with this offense.

This statute was last amended over a decade ago, when a bill significantly increased the penalties for graffiti offenses, making it a crime punishable by imprisonment and potentially imposing on young people the lifetime burden that comes with a felony record.

Concerns about the problem of graffiti is a legitimate one, but the imposition of extremely punitive criminal measures, including severe prison time, is not the solution. Graffiti offenses are overwhelmingly committed by young people, often minors. Introducing them – and their parents – to the criminal justice system and potential jail time only exacerbates the “school-to-prison pipeline” we are trying so hard to slow down.

Further, a “three strikes” provision turns the crime into a felony no matter the individual circumstances of the offender or the offense. There are many more serious misdemeanor offenses – more likely to implicate adults – that do not turn into felonies upon a third offense. In fact, this law’s penalties, as a result of the legislative action taken in 2013, are actually harsher for juveniles than for adults. In addition to the monetary and community service penalties, minors face a one-year suspension of their driver’s license or permit.

Therefore, in reviewing the changes to the law’s community service requirements proposed by this bill, we also urge reexamination of the severity of the other penalties contained in the law.

Thank you for your consideration of our views.