

2024 LEGISLATIVE SESSION:

Averting Disaster Over Police Transparency, Halting Regressive Crime Bills

Another Rhode Island legislative session is over, another year we lobbied on hundreds of bills to protect or expand your civil liberties in our state. As is true in many years, the session was a mixed one and is as notable for what didn't pass as what did.

On the positive side, in line with its passage of a law five years ago to codify the protections of *Roe v. Wade*, the General Assembly continued to make Rhode Island a haven for essential medical care by passing the "Healthcare Provider Shield Act." This law will protect healthcare professionals from potential legal liability for providing reproductive or gender-affirming care to patients from states banning these services and who are forced to travel over state lines for care. And in a victory for equal protection of the laws, the legislature repealed a long-standing, blatantly discriminatory exemption in the minimum wage law for domestic workers.

The ACLU also worked to defeat in the Senate a string of regressive criminal justice bills approved by the House. They included legislation that could have sent parents and students to prison for five years for "indirectly" threatening any school employee; Attorney General (AG) bills tripling the prison sentences for some driving-related offenses and eliminating any statute of limitations for certain crimes; and an "electronic stalking" bill that could have put aggressive news reporters at risk of prison time. The ACLU also persuaded the Governor to veto another AG bill that would have given him extraordinary powers to investigate private individuals without meaningful guardrails. *(Cont'd on p. 2)*

ACLU of RI Files Three Lawsuits on Behalf of Families of ACI Prisoners Who Died by Suicide

Cooperating attorneys for the ACLU of Rhode Island have filed three lawsuits against Adult Correctional Institutions (ACI) supervisors and staff on behalf of the family members of three individuals who died by suicide at the prison within the span of five months last year, two of them while being held in solitary confinement. The complaint alleges that prison officials were deliberately indifferent to the decedents' known suicide risk, and that their failure to properly intervene or provide them necessary medical care was negligent and violated the Eighth Amendment's ban on "cruel and unusual punishment."

LOOK INSIDE

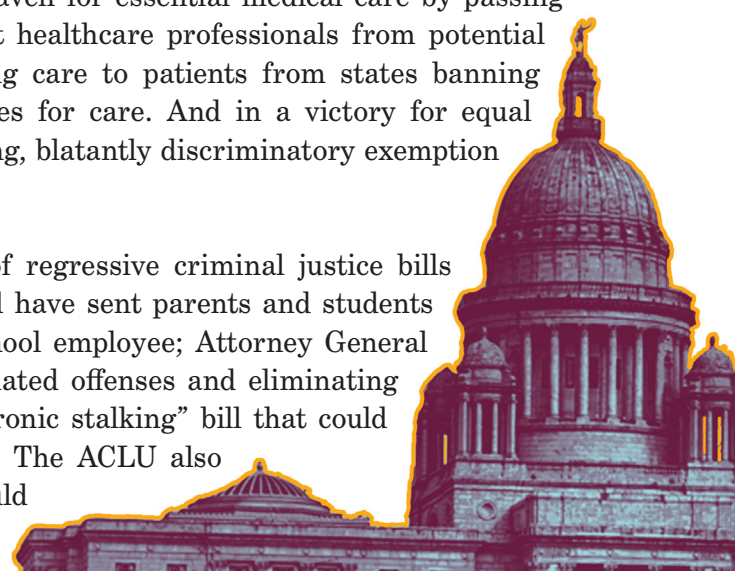
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The family members have been trying, unsuccessfully, to obtain detailed information about the circumstances surrounding their loved ones' deaths for months. They are hopeful that these lawsuits – filed by ACLU of RI cooperating attorneys Mark Decof,

Jeffrey Mega and Shad Miller from the law firm of Decof, Mega & Quinn, P.C. – will provide some answers, ensure greater transparency, and expose inadequacies in prison operations. The suits seek compensatory and punitive damages on behalf of the families.



FROM THE DESK OF THE EXECUTIVE DIRECTOR

The end of the legislative session always serves as a reminder that making change through legislation takes patience and grit. The LEOBOR revision bill is a perfect example of the persistence it takes to push for change. This year's result was a compromise that provoked disappointment and only highlights the need for more reform and more persistence.

This is why we'll also come back next year to continue to fight to protect students' right to privacy, to bring back the collection of police traffic stop data, and to redefine "misdemeanors" so immigrants can't be deported for minor crimes.

Thank you to everyone who makes our lobbying work possible year after year. Whether you're a member who helps fund our activities or who contacts your legislators on important bills we feature, thank you for helping us take steps forward for civil liberties when we can, and preventing backsliding when we can't.

If you'd like to stay involved and informed even though the session is over, join us on July 16 for our annual Legislative Wrap-Up, where we'll explain some of these bills in more depth. We also are hosting a virtual review on July 30 of the recent U.S. Supreme Court term. You can find the details for both events on page 7, and I hope you will be able to attend one or both of them.

In the meantime, enjoy the summer!
— Steven Brown

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2024 Rhode Island Legislative Session *(Cont'd from p. 1)*

On the other hand, four years after the George Floyd protests shone a light on the crucial need for police reform, that reform remained elusive in Rhode Island. The General Assembly finally revised the state's notorious Law Enforcement Officers' Bill of Rights, the law making it extremely difficult to discipline police officers for serious misconduct. But the revisions were very modest, and the ACLU even had to fight a tough, though successful, battle to keep the proposed legislation from taking a major step *backward* with a provision that would have kept body camera footage of certain incidents of police misconduct secret.

And although it appeared that the legislature was finally on the verge of reinstating the collection and analysis of police traffic stop data for racial disparities — a requirement that lapsed five years ago — last minute behind-the-scenes machinations ditched this ACLU priority.

On the following pages, you can find more detailed summaries of these and many other key bills from the session. You can find even more information, including our written testimony on nearly 100 bills, on our website at riaclu.org/legislation. And if that isn't enough, join us on Tuesday, July 16 for a Legislative Wrap-Up where guest legislators will discuss some of the key bills included in this issue. You can find information about the event on page 7.

VICTORY: R.I. Supreme Court Orders Parole Board to Consider Release of Mario Monteiro

In a major victory for criminal justice reform and the rights of youthful offenders, the Rhode Island Supreme Court ruled that Mario Monteiro and other similarly situated teenagers and young adults are eligible for parole consideration for release to the community after serving twenty years.

The ruling was issued in cases filed by the ACLU of RI last year, handled by cooperating attorneys Lynette Labinger, Lisa Holley, and Sonja Deyoe, after the State took the position that a 2021 statute enacted by the General Assembly designed to give young offenders serving lengthy sentences a chance for early release on parole, and which was overtly intended to help Monteiro, did not apply to him or the others. Instead, the state had argued that in Monteiro's case, he had to serve an additional 15 years in prison until parole eligibility. In a 4-1 decision, the state Supreme Court forcefully rejected the State's position.

Monteiro is 40-years-old and has been incarcerated his entire adult life after being sentenced to two life sentences for a murder he committed when he was 17 years old. As a result of the court's decision, Monteiro will be sent back before the parole board for consideration of possible release. The court decision also applies to other youthful offenders with similar situations to Monteiro in terms of their sentences.



The 2024 Rhode Island Legislative Session is over. Read about which bills passed or died.

Another Rhode Island legislative session is in the books, finishing up in the early morning hours of June 14. A selection of the more than 300 bills our Affiliate lobbied on appears on the following pages. Read on to learn about some of the especially good or bad bills, if they passed or died, and whether the ACLU of RI was in favor of 👍 or against 🗳️ the result. For more in-depth information, go to riaclu.org/legislation.

RACIAL JUSTICE/POLICE REFORM

Data Collection on Racial Profiling

(H 7099, S 2137) – DIED IN HOUSE 🗳️

Legislation reinstating the collection and analysis of data relating to police traffic stops and searches, designed to determine if patterns of racial profiling exist, died in the closing hours of the session even though both Houses had passed their own versions of the bill. The data collection law, which had routinely shown significant racial disparities in the stopping and searching of cars by police, expired in 2020 and has not been revived since. The politicking that prevented the bill from becoming law this year remains a mystery, but the ACLU is staunchly committed to seeing it enacted in 2025.

Law Enforcement Officers' Bill of Rights

(H 7263, S 2096) – PASSED 🗳️ 👍

As a state with one of the most protective Law Enforcement Officers' Bill of Rights statutes in the country – imposing numerous barriers to disciplining wayward officers – it was long past time for significant revisions to be made to this law. And changes were made this year, but hardly as significant as the ACLU and other advocacy groups hoped for. At one point, the bill even took a step backwards by limiting public access to some police body camera footage of police misconduct. The ACLU helped kill that provision, but time will tell whether the modest reforms ultimately enacted make any difference in holding police more accountable.



PRIVACY

School Computer Privacy (H 7046) – DIED IN SENATE 🗳️

Distributing laptops to students in public schools for home use is now commonplace. Yet students have virtually no privacy protections when they use these computers, with school administrators having blanket access to the laptop's microphone and camera. This important privacy legislation would greatly limit remote access to the computers by school officials, but it died in the Senate after passing the House.

REPRODUCTIVE FREEDOM

"Health Care Provider Shield Act" (H 7577, S 2262) – PASSED 👍

As states around the country pass laws banning abortions and transgender health care, R.I. medical professionals who provide care to patients from those states face potential civil and criminal penalties under those laws. The ACLU was part of a large coalition supporting this bill, which handily passed both Houses and will protect local medical providers from any such efforts.

VOTING RIGHTS

Ballot Question Readability (H 7476, S 2447) – PASSED 👍

This bill requires ballot questions to be "written in plain language reasonably calculated to be understood by persons with an eighth-grade reading level." It is often easy for public officials to couch legislative matters in bureaucratese that can obfuscate as much as enlighten. Voters should not have to wade through a lot of jargon to understand the meaning of critical ballot questions they are being asked to vote on. We commend the Secretary of State for promoting this legislation, which has been signed into law.

CRIMINAL JUSTICE

Threats to School Employees or Election Officials

(H 7303 | H 7447) — BOTH DIED IN SENATE 👍👍

The ACLU led other groups in opposing a bill to make it a felony with a potential five-year prison sentence, instead of a misdemeanor, to directly or indirectly threaten harm to any school official or employee. The broadly worded bill could easily be used against parents and students who make hyperbolic comments in the heat of a dispute, contributing to the school-to-prison pipeline. We opposed a separate bill imposing the same enhanced penalties for threats directed at election officials. Both bills died in the Senate after passing the House.



Sex Worker Immunity (H 7165, S 2441) — DIED 🗳️

By granting legal immunity to individuals engaged in commercial sexual activity who report a crime that they are either a victim of or witness to, these bills, supported by the ACLU, would have given sex workers legal protection if they needed medical or law enforcement assistance arising from their work.

Expansion of the Crime of Stalking

(H 7798) — DIED IN SENATE 👍

We opposed this legislation vastly expanding the crime of stalking to include the act of following someone and using an electronic device to record them in a manner that was “seriously annoying.” In our opposition, we voiced concerns about its potential impact on protected citizen speech and lawful news gathering activities. The bill passed the House, but died in the Senate.

GENDER EQUALITY

Domestic Worker Minimum Wage

(H 7532, S 2021) — PASSED 👍

Domestic workers — a demographic of employees largely comprised of lower-income women of color and immigrants — have been exempted from the state’s minimum wage law for decades. We fully supported this bill repealing this discriminatory exemption, and the legislation was approved by both Houses and has become law.



LGBTQ+ RIGHTS

Name Changes in Probate Court

(H 8155, S 2667) — PASSED 👍

This bill, enacted with amendments proposed by the ACLU, simplifies the process for Rhode Islanders to legally change their name. It also establishes a standard for sealing name change requests if there is good cause to believe it otherwise might jeopardize the person’s safety, and it authorizes the waiving of court fees for indigent petitioners. These reforms will alleviate barriers and safety risks for transgender people and survivors of domestic violence who often seek a name change.



DISABILITY RIGHTS

Non-Consensual Patient Research

(H 7301, S 2394) — PASSED 🗳️

This legislation allows healthcare facilities to conduct some human-subject research without following the standard protocols of informed patient consent and confidentiality. While any such research would need to be approved by an institutional review board and comply with federal standards, the ACLU strongly opposed a provision eliminating a current requirement that facilities engaged in this type of human research file a public copy of their research protocol with the Department of Health. The bill passed despite the objections of the ACLU and mental health organizations.



OPEN GOVERNMENT

Access to Public Records Act Reform

(H 7181, S 2256) — DIED IN COMMITTEE 🗳️

The ACLU joined with a coalition of open government groups to support legislation to make important and comprehensive changes to the state’s open records law. They included limiting the costs that could be charged for releasing records that are in the public interest, providing greater access to police misconduct records, and requiring greater transparency by public bodies in explaining their reasons for withholding records. Unfortunately, the legislation died in committee without a vote.

FIRST AMENDMENT RIGHTS

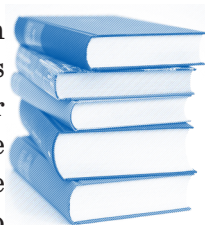
Explicit Digital Images (H 7101) – DIED IN SENATE 🇺🇸

As juvenile and inadvisable as it is to use artificial intelligence to create sexually explicit, but fake, digital images, this bill’s attempt to criminalize the dissemination of such digitally generated content raised numerous First Amendment concerns. The bill did not require any intent to harm the person who was the subject of the fake image, and would have made criminals of thousands of teenagers who, to give a recent example, retweeted fake digital images of a nude Taylor Swift, or who created clearly fabricated images of public officials in the nude. The bill died in the Senate after passing the House.

Librarian Defense to Crime of Obscenity

(S 2281) – DIED IN HOUSE 🇺🇸

Seeking to protect librarians from the disturbing censorship crusades against LGBTQ-affirming and other literature in school libraries across the country, this bill made clear that the state’s obscenity laws do not apply to literature with “educational and governmental” value, including materials in a “bona fide school, museum, or public library.” The bill, strongly supported by the ACLU, passed the Senate but died in the House.



RIGHTS OF IMMIGRANTS

Felony and Misdemeanor Redefinition

(S 2100) – DIED IN HOUSE 🇺🇸

This key criminal justice reform bill sought to change the maximum prison sentence for a misdemeanor offense from one year to 364 days, addressing a conflict between federal immigration law and Rhode Island law under which immigrants lawfully in the country who are convicted of an offense punishable by a sentence of a year or more may be deported. Dropping a misdemeanor’s maximum sentence by one day would ensure that these individuals were not

subject to extremely harsh immigration penalties for minor offenses. For the third straight year, the bill passed the Senate but died in the House due to Attorney General opposition.



DUE PROCESS

Hotel Ejection of Guests (H 7065, S 2271) – PASSED 🇺🇸

In 2022, the General Assembly passed legislation to allow hotels to eject patrons who use “offensive” language towards employees or guests. At the time, we raised concerns about this broad wording and the dangers of such a law being discriminatorily enforced. As a compromise, the bill passed with a two-year sunset clause. Despite the continued concerns raised by the ACLU and seven other advocacy groups that this power would almost assuredly be enforced in a way that contains class and race-based biases, the General Assembly voted to make the law permanent.

Unrelated Housemate Limitations

(H 7382, S 2635) – PASSED 🇺🇸

Current law allows municipalities to limit to three people the maximum number of unrelated persons who can live together in a dwelling. We supported

this bill, enacted into law, which has increased the limit to five. At the same time, we continued to question whether towns should be able to limit this number at all in light of the state’s current dire housing crisis and the unfair focus on the kinship status of renters.



Civil Investigations into Illegal Acts

(H 7830, S 2935) – VETOED 🇺🇸

The ACLU successfully urged the Governor to veto this Attorney General bill which provided the



AG sweeping authority to conduct civil investigations and bring court action to enjoin any “illegal acts” in the “carrying on, conducting or transaction of business or governmental activity.” As written, the bill gave the AG virtually unlimited powers to conduct intrusive civil investigations in almost every corner of public or private life, including matters within the jurisdiction of other state agencies, without the need for court authorization or other guardrails to prevent abuse. The Governor favorably cited the ACLU’s arguments against the bill in his veto message.

BRIEF UPDATE: SOME ADDITIONAL BILLS THAT DIED

GOOD BILLS THAT DIED

- **Juvenile Interrogation.** Legislation that would prohibit police from questioning juveniles suspected of criminal activity without a parent or legal guardian present died in committee. (H 7096, S 2116)
- **Voter Registration.** A proposed constitutional amendment to remove a ban on individuals voting in an election, except for President, unless they have registered to vote at least 30 days in advance died in both Houses. (H 7474, S 2779)
- **Prison Gerrymandering.** Although the General Assembly partially addressed the problem of prison gerrymandering two years ago for this decade's redistricting process, legislation to permanently ban the practice failed to make it out of committee. (H 7070)
- **Right to an Education.** As in past years, this proposed constitutional amendment to make the right to an adequate education an enforceable right passed the Senate but died in the House. (S 2147)

BAD BILLS THAT DIED

- **"Workplace Psychological Safety Act."** A piece of vague and intrusive legislation that would impose liability on employers or co-workers who, among other actions, "confuse" a person emotionally or don't treat a fellow employee "respectfully" died in the House after passing the Senate. (S 2473)
- **Jury Trial Waiver.** This Attorney General bill, giving his office veto power over a criminal defendant's legal right to waive their right to a jury trial, died in committee. (H 7743, S 2098)
- **Noise Camera Enforcement.** This City of Providence bill to allow municipalities to cite people for noise violations through "noise violation detection systems" died in committee. (H 7368, S 2898)
- **Increasing Penalties for Driving Offenses (H 7630)** An Attorney General proposal to increase, and in some cases triple, the prison penalties for a variety of driving offenses died in the Senate after passing the House. (H 7630)

A CONSTITUTIONAL CONVENTION'S THREAT TO CIVIL RIGHTS

As required by our state's Constitution, every ten years Rhode Islanders vote on a ballot question which allows them to choose whether to hold a state constitutional convention, and that question will be on November's ballot. Implementing that requirement, the General Assembly has established a bi-partisan commission to consider the issues such a convention might explore.

Rhode Island was the last state in the country to hold a constitutional convention – back in 1986 – and it was a civil liberties nightmare. The convention, which was suffused with political wheeling and dealing, proposed two anti-abortion constitutional amendments, one of which was approved by the voters. Two other troubling amendments that adversely impacted communities of color were also approved.

The convening of a convention would encourage wealthy outside special interests to come into Rhode Island to push their pet, and likely detrimental, constitutional amendments. The ACLU is working with a coalition of organizations, including Planned Parenthood, to oppose a convention, and as the election approaches, we will be sharing more information on the dangers that calling a convention would generate.

A MONTH IN THE LIFE

FIRST AMENDMENT An ACLU letter convinced the Warwick School Committee to go back to the drawing board on proposed amendments to the school district’s policy on student publications. The proposed policy allowed the Superintendent to have final edit of any publications, including censoring any content deemed “inconsistent” with the district’s “educational mission,” and barred any anonymous expressions of opinion. In successfully urging rejection of the changes, the ACLU pointed to a 2017 state law, which the Affiliate helped pass, that protects student journalism from just this type of censorship.

GOVERNMENT TRANSPARENCY The Affiliate chastised the Cranston City Council on behalf of one of its members, Aniece Germain, who resigned after the Council President threatened to launch a formal investigation into allegations of mismanagement at the private organization she leads. In a letter to Council members, we emphasized that the City Council’s jurisdiction extended only to a Council member’s misconduct in office, not as a “roving commission” to investigate their private activities. A majority of the City Council responded by refusing to enter the ACLU’s letter into the record, only giving it more public attention than it otherwise would have received.

PRISONER RIGHTS In a prelude to the litigation described in our cover story, the ACLU sent two letters to the Department of Corrections (DOC) about medical conditions at the ACI. One letter, co-signed by eight other organizations, demanded greater transparency from the DOC in light of four (non-suicide) medical deaths that occurred in the span of three months at the ACI this year. A second letter noted that the DOC has been without a permanent medical director for almost two years. Suggesting this absence might be playing a part in the series of suicides and medical deaths plaguing the institution – a question that the ACLU’s lawsuit may shed light on – the Affiliate called for an expedited filling of that position. The ACLU has received generic responses to both letters and, along with the pending litigation, is considering additional responses to address these concerns.

RECAP: PrideFest!

It was a beautiful day to gather in downtown Providence and celebrate Pride! Thanks to everyone who stopped by to say hello, and a special thanks to our volunteers who helped to hand out swag and educational materials.



Top L-R: Kate, Kendra; bottom L-R: Heather, Zoe (staff member), Cheryl

Legislative Wrap-Up

Tuesday, July 16 at 6pm
William Hall Library Auditorium
1825 Broad St, Cranston

Join us on July 16 to hear the good, the bad, and the ugly about how the 2024 Legislative Session went for civil liberties. Free and open to all. RSVP is not required, but it is appreciated so we can ensure we have enough refreshments – please go to riaclu.org/2024LegWrap.

This event is not endorsed by or affiliated with the Cranston Public Library.

**UPCOMING
EVENTS**

U.S. Supreme Court Wrap-Up

Tuesday, July 30 at 6pm
Virtual via Zoom – **RSVP required** to receive the link!

Get the run-down on how civil liberties fared in the Supreme Court during this latest term. A variety of cases will be explained by some of our cooperating attorneys so you’ll understand the who, what, how, and why they’re important.

Go to riaclu.org/SCOTUS24 or scan the QR code to RSVP.



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RETURN SERVICE REQUESTED

Your donations are being put to work every day. From the State House to the courts, and everything in between, open this newsletter to see how we're protecting your rights.

ALSO IN THIS ISSUE:
Join us this July for two upcoming events! Find details on p. 7.

If you'd like to help us continue our work of protecting and defending civil liberties across Rhode Island, consider making a special tax-deductible gift:

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