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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 21-S 518, RELATING TO CRIMINAL OFFENSES March 25, 2021

The ACLU of Rhode Island strongly supports this legislation, which would codify an important recommendation that this committee has approved in past years, and which was part of the package from the Governor's Justice Reinvestment Commission in 2017 that, unfortunately, died in the House.

The bill would tweak the definitions of felony and misdemeanor to address what we believe is an unfortunate and unintentional, but harmful, anomaly in the law. There are some crimes that are felonies even though they carry no risk of a prison sentence whatsoever. That is because, by statutory definition, any crime that carries a fine greater than \$1,000 is automatically deemed a felony. As a result, to give just two examples, any person who "allows to be injured any fire hydrant," R.I.G.L. §11-66-1, or who is convicted of a second offense of transporting horses while stacked on two or more levels, R.I.G.L. §4-1-39, is a felon even though the General Assembly decided these offenses did not warrant any time in prison.

Once designated a felon, the person convicted of these offenses faces many of the same collateral consequences – such as ineligibility for various government benefits, public housing, etc. – that a person who has served a lengthy prison sentence for a violent crime would encounter. This amendment would correct such an injustice.

We urge the Committee to continue its efforts at justice reinvestment and criminal justice reform by approving this modest but important measure.