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ACLU OF RI POSITION: AMEND

TESTIMONY ON 25-H 5546, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS – DRIVER NATIONAL CRIMINAL BACKGROUND CHECK April 8, 2025

The ACLU, along with many other organizations, has long opposed the imposition of broad-based criminal record checks on individuals seeking to enter the work force because of their often unnecessarily harsh impact on those who have been justice-involved. It is for this reason that we urge amendment to this legislation which would require extensive criminal record checks for all taxi drivers to acquire an operator's license, including individuals who may be working for "gig" companies like Uber or Lyft.

As the General Assembly acknowledged five years ago when it passed the Fair Chance Licensing (FCL) law, the preclusion from licensure that a criminal record can have – especially records that are outdated or irrelevant to the position being sought – can inappropriately bar otherwise qualified individuals from seeking or obtaining occupational licenses. That legislation, codified at R.I.G.L. §28-5.1-14, ensures that an individual cannot be disqualified from an occupation solely or in part because of their criminal record unless the crime relates *directly* to the occupation being sought. Such protections are critical to ensure that cycles of discrimination are not perpetuated against ex-offenders who are otherwise eminently qualified for their chosen professions. We appreciate that this bill in many ways follows the FCL's tenets, including a limit on how convictions may be considered and used, but we urge narrowing the scope of disqualifying offenses to truly capture the goal of this important statute.

Contrary to the FCL law, for example, the disqualifying convictions listed in this bill encompass a wide range of disparate and potentially irrelevant offenses. An individual with, for example, a twenty-year old felony drug offense should not face the prospect of losing their income due to this legislation. Even though the person may be able to appeal any reliance on such a conviction, and the division may be required to consider the elapsed time since the offense, this is a process that shouldn't happen in the first place to the applicant. Instead, we believe that the list of offenses already contained in another section of law, R.I.G.L. §39-14.2-7(c) [See page 6 of the bill], contains a much more relevant and focused list of potentially disqualifying offenses for this occupation.

Especially for previously justice-involved individuals who may be already engaged in this profession because it is a reliable and consistent source of income, this legislation may only serve to push them further from the resources they need to maintain their community reintegration and rehabilitation. In sum, though this bill contains many aspects of "fair chance licensing," we urge that it be amended to more properly narrow the scope of the offenses that may disqualify an individual from licensing.

Thank you for your consideration of our views.