



State of Rhode Island COMMISSION FOR HUMAN RIGHTS

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WRITTEN TESTIMONY OF THE RHODE ISLAND COMMISSION FOR HUMAN RIGHTS

BILL NO.: 2024 H 7311
BILL TITLE: An Act Relating to Criminal Offenses – General Provisions
PRIMARY SPONSOR: Representative Batista
COMMITTEE: House Judiciary

The Rhode Island Commission for Human Rights (“Commission”) supports this bill.

The Commission is the state’s primary antidiscrimination law enforcement agency charged with investigating allegations of discrimination in employment, housing, public accommodations, credit and delivery of services. Among the laws over which the Commission has jurisdiction are Title 28, Chapter 5 of the General Laws of Rhode Island, the Fair Employment Practices Act, and Title 34, Chapter 37 of the General Laws of Rhode Island, the Fair Housing Practices Act.

H 7311 would provide, among other things, that any criminal case which is disposed with a sentence limited to a fine only shall not constitute a criminal conviction.

The Commission receives many calls each year from individuals who maintain that they have been barred from employment and/or housing opportunities because of their criminal record. This bill seeks to remove this barrier for some of these individuals. Of particular relevance to the Commission’s support of this bill is the well-documented racial disparity in arrests and convictions. Studies show, for example, that “while ... blacks are no more likely to use drugs than whites are, they are more likely to be arrested on drug charges.”¹ In addition, the “criminal record penalty” adversely affects blacks more than whites.²

Studies have also shown that people with criminal records face discrimination: 9 in 10 employers, 4 in 5 landlords, and 3 in 5 colleges and universities use background checks in hiring

¹ *Providence Journal*, March 21, 2008, p. B-1 (“Disparity of race plays out in prison”).

² See Footnote 55 in the U.S. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964, Guidance No. 915.002, http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm, which issued in 2012. The EEOC Guidance references a study using testers which found that the “criminal record penalty” was twice as high for black applicants as for white applicants.

decisions.³ The impact of this discrimination leads to higher rates of homelessness and unemployment.

If the sentencing judge has determined that the individual does not deserve a term of imprisonment, the lack of a criminal conviction makes it easier for past offenders to work and pay their fines and their taxes, thus benefiting the community as a whole.

For these reasons, the Commission urges passage of this bill.

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³ Center for American Progress, *Criminal Records Create Cycles of Multigenerational Poverty*, April 15, 2020 available at <https://www.americanprogress.org/issues/poverty/news/2020/04/15/483248/criminal-records-create-cycles-multigenerational-poverty/>.