

ACLU OF RI POSITION: AMEND

**TESTIMONY ON 24-H 7141,
RELATING TO BUSINESSES AND PROFESSIONS - COUNSELING COMPACT
January 30, 2024**

The ACLU of Rhode Island appreciates the opportunity to provide testimony on this legislation which seeks to provide uniformity in the manner in which counselors are licensed between different states. The legislation is lengthy, and though this should not be considered a comprehensive analysis of the bills and we have no position on their general content, we would like to provide brief commentary on a few provisions which we believe may warrant amendment.

- First, as the General Assembly acknowledged four years ago when it passed “fair chance licensing” legislation, the preclusion from licensure that a criminal record can have – especially those records which are outdated or irrelevant to the position being sought – can inappropriately bar otherwise qualified individuals from seeking occupational and professional licenses. That statute ensures that an individual cannot be disqualified from licensure 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 well-qualified for their chosen professions.

In that regard, we are pleased that the legislation specifies that it is up to each state to individually set standards for the consideration of criminal records in determining licensure (page 5, lines 5-6). Process-wise, we would simply urge that the bill cite the “fair chance” statute to ensure that the procedural mechanisms for considering those “related” offenses follow that statute.

Separately, however, we note that the bill also requires, in the course of conducting a criminal records check, the submission of “fingerprints or other biometric-based information.” (page 5, line 6-7) It is unclear to us how using other “biometric-based information” could provide insight into a criminal record that a fingerprint could not and find this language to be concerningly broad. We should not be setting a precedent that allows for the collection of more personal information than absolutely necessary to carry out the limited goals of a criminal record check, and urge that this language be removed prior to passage.

- Language within this legislation appears to broadly authorize the sharing of private information, without any protections, with law enforcement agencies (page 11, line 29).

We would urge amendments that would set reasonable boundaries on the sharing of any information.

- Language in this bill that provides for the adoption of “emergency” rules without public notice or input if it is necessary to “meet a deadline...established by federal law or rule” strikes us as problematic. As worded, nothing would prevent the Commission from creating the “emergency” itself by waiting too long to initiate rule-making proceedings in a timely manner that would have avoided the “emergency” in the first place (page 17, lines 19-20).

Thank you for your consideration.