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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 24-H 7827, AN ACT RELATING CRIMINAL OFFENSES -- WEAPONS March 13, 2024

Federal law bars ex-felons (under either state or federal law) from possessing firearms. This bill, introduced by the Attorney General, would make the same offense a crime under state law too. The ACLU of Rhode Island urges opposition to this legislation.

Leaving aside any potential Second Amendment issues raised by the bill, and about which the federal version is the subject of court challenges in light of the U.S. Supreme Court's recent, and extremely expansive, interpretation of that amendment, the ACLU opposes the bill for a number of reasons.

Our opposition is based on the bill's breadth and our long-standing opposition to laws that disqualify ex-felons from a wide array of rights, benefits, and privileges. It would be one thing if the bill were limited to violent offenses and had a time limit, but it applies to a conviction for *any* felony, no matter the type of offense or how long ago it was committed. In fact, current state law *already* disqualifies individuals who have been convicted of a crime of a violence or a variety of misdemeanor offenses tied to domestic violence. The bill thus disqualifies people who have been convicted of, for example, drug possession crimes and a whole array of other non-violent offenses that have been "felonized" over the decades, including convictions that are decades old.

To highlight its expansiveness, it is worth noting that one of the federal court challenges involves a person with a 25-year-old welfare fraud conviction.¹ Just as one's status as an ex-felon should not serve as an automatic barrier to employment opportunities, housing or other government benefits, it should not serve as a *per se* barrier to possessing a firearm. There is no reason for the state to go down the same questionable path as the federal government did years ago.

For all these reasons, we urge rejection of this bill.

¹ *Range v. Attorney General*, 69 F.4th 96 (3rd Cir. 2023). Unlike welfare fraud and other low-income-type non-violent offenses, the federal law does contain a conspicuously targeted carve-out for "any Federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices."