

ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 25-H 5891,
AN ACT RELATING CRIMINAL OFFENSES -- WEAPONS
March 26, 2025**

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. It would also impose mandatory minimum sentences. The ACLU of Rhode Island urges opposition to this legislation, even leaving aside any Second Amendment issues raised by the bill.

First, we oppose the bill's breadth in light of our long-standing disapproval of laws that automatically disqualify ex-felons from a wide array of rights, benefits, and privileges. It would be one thing if the bill were, for example, limited to violent offenses and had a time limit, but it applies to a conviction for *any* felony and at *any time*. 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. In a similar vein, just last month, a federal judge in Rhode Island ruled unconstitutional the application of a federal gun possession ban to users of controlled substances. *United States v. Worster*, C.A. No. 21-cr-111-JJM-PAS, 2/25/2025.

To highlight its expansiveness, it is worth noting another recent federal appeals court decision that ruled unconstitutional the federal felon ban to a person with a 25-year-old welfare fraud conviction. *Range v. Attorney General United States* (3rd Cir. 12/23/2024).¹ In short, 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.

Finally, and just as importantly, we oppose the bill's inclusion of a new provision that would impose a mandatory minimum sentence on individuals convicted of the unlawful possession of a firearm for any other reason currently specified in the law. Mandatory minimum sentences are, in our view, contrary to basic principles of judicial discretion and due process and should be summarily rejected.

For all these reasons, we urge the committee to oppose this bill.

¹ Unlike welfare fraud and other low-income-type non-violent offenses, the federal law does contain a 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."