

ACLU OF RI POSITION: AMEND

**TESTIMONY ON 25-H 6173,
RELATING TO PUBLIC PROPERTY AND WORKS – RHODE ISLAND
BID RIGGING ACT
April 24, 2025**

The ACLU of Rhode Island has no position on the thrust of this bill, which attempts to prohibit bid rigging in state and local government contracts, and which also establishes severe criminal penalties for violations. However, we strongly oppose a separate stand-alone provision that appears at the very end of the bill [Page 4, lines 24-29], which amends Chapter 37-2 of the General Laws to criminalize a wide variety of procurement-related actions, many of which are already subject to administrative oversight.

Specifically, this proposed new section in the bill would create misdemeanor penalties for the violation of *any* provision in the lengthy chapter of the General Laws dealing with state purchases (which has 82 sections). This catch-all provision would make a long list of actions by state purchasing agents, agencies and others now punishable by up to one year in prison.

We offer just two examples of statutory requirements in Chapter 38-2 that would now be criminalized:

- Under R.I.G.L. § 37-2-8, a purchasing agent for a state institution is directed to purchase food products grown by Rhode Island farmers when available. Under this legislation, a purchasing agent who knowingly purchases from a Massachusetts or Connecticut farm – instead of a Rhode Island farm – could face a year in prison.

- R.I.G.L. § 37-2-14 requires a purchasing agent to “maintain a close and cooperative relationship” with state agencies. This law provides no definition of what a “close and collaborative relationship” would be, but knowingly rejecting such collaboration would be a crime.

The wholesale criminalization of an entire section of the General Laws in one fell swoop is, we submit, a dangerous and inappropriate way to adopt criminal law. If this bill is to be given favorable consideration for passage, we urge deletion of Section 3 of the bill. This post hoc blunderbuss approach to criminalizing conduct should be rejected.

Thank you for considering our views.