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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-H 8067, AN ACT RELATING CRIMINAL OFFENSES -- WEAPONS April 8, 2026

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, even leaving aside the 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 of a variety of misdemeanor offenses tied to domestic violence. However, this bill would disqualify people who have been convicted of, for example, drug possession crimes or a whole array of other non-violent offenses that have been "felonized" over the decades, including convictions that are decades old. In this regard, it is worth noting that last year, a federal judge in Rhode Island ruled unconstitutional the application of the federal gun possession ban to users of controlled substances. *United States v. Worster*, 765 F.Supp.3d 112 (2025). The U.S. Supreme Court is currently considering the constitutionality of that provision.

To further highlight the incredible expansiveness of such a ban, it is worth pointing to a recent federal appeals court decision that involved the federal felon ban's application to a person with a 25-year-old welfare fraud conviction. The court ruled the prohibition unconstitutional as applied to this individual, but its application to such a crime serves as a stark demonstration of the wide-ranging reach of this ban. *Range v. Attorney General United States*, 124 F.4th 218 (3rd Cir. 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.

For these reasons, despite its good intentions, 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."