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ACLU OF RI POSITION: AMEND

TESTIMONY ON 26-H 8030, RELATING TO TOWNS AND CITIES – GENERAL POWERS March 5, 2026

This bill tracks statutory language that was adopted over a decade ago for Burrillville, and would allow all fire departments and fire districts in South Kingstown to obtain the entire criminal background of a potential employee or volunteer, regardless of the relevance of the information to the position sought. If it is to be favorably considered, we urge amendments to the bill to better mirror the criminal record check standards established in other state laws.

As worded, the bill authorizes the release of information related to any arrest of an individual whether or not the arrest ever resulted in conviction. However, Rhode Island's Fair Employment Practices Act explicitly prohibits the release of this information (R.I.G.L. §28-5-7(7)), so this will undoubtedly lead to the release of information otherwise barred under existing law.

Further, the legislation includes no restrictions or standards on what the departments can do with the information once it is obtained, with whom it gets shared, or who decides its relevance in making employment decisions. It does not indicate what may constitute relevant disqualifying offenses, nor does it take into account the amount of time since an individual's conviction, the circumstances of their conviction, or their efforts at rehabilitation. It is thus quite unlike the state's Fair Chance Licensing law and many other criminal record check statutes enacted by the General Assembly that set standards for the process and use of criminal record information in employment and licensing.

In order to avoid conflicts with existing state criminal background check laws and better mesh with similar background check laws, the ACLU of Rhode Island encourages the committee to, at a minimum, amend this legislation with language clarifying the exact convictions of concern, permitting local police departments to confirm only whether a related conviction exists on an individual's record, and instituting an appeal process whereby an applicant may be considered individually and not based solely on the existence of a conviction.

Thank you for considering our views.