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ACLU OF RI POSITION: OPPOSE

**TESTIMONY IN OPPOSITION TO 21 – H 5390
RELATING TO CRIMINAL OFFENSES – THEFT, EMBEZZLEMENT, FALSE
PRETENSES, AND MISAPPROPRIATION
February 23, 2021**

The ACLU has long had concerns about the carceral consequence of passing pieces of legislation that, like this one, create new crimes that essentially just increase the penalties for offenses that already exist. Such legislation represents the opposite of what a justice reinvestment approach to the criminal law should be. But the ACLU opposes this bill not only because it is unnecessary, but also because it contains a unique penalty which would allow for the confiscation of a motor vehicle used by an individual to steal a package from a home, office, or other dwelling.

With the already stiff punishment which those convicted of larceny receive, this additional penalty is unnecessary and could have reverberating and unintentional effects on individuals not associated with the offense. Not only does the motor vehicle not have to *belong* to the individual who commits the offense, the confiscation of an item so necessary for daily life activities – including going to school, work, or the doctor, and more – could have extremely detrimental effects on other individuals in the perpetrator’s life who had no involvement in the crime.

While we appreciate the goal of providing more financial support to the Rhode Island Veterans Home Community Living Center, we are certain that there are ways to achieve this which do not inadvertently or excessively harm other residents of Rhode Island. We urge the committee not to approve this bill.

Thank you for your consideration of our views.

Submitted by: Steven Brown, Executive Director