



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: OPPOSE/AMEND

**TESTIMONY ON 26-S 2960,
AN ACT RELATING TO HUMAN SERVICES -- CERTIFICATION OF CHILDCARE
AND YOUTH-SERVING WORKERS AND OPERATORS
April 30, 2026**

The ACLU appreciates and supports the second part of this legislation, which would no longer require individuals working or volunteering with children in various contexts to pay for the “privilege” of being fingerprinted.

Rhode Island General Laws §28-6.3-1 has long provided that “[n]o employer or agent of any employer shall charge a fee for the filing of an employment application.” Too often, though, that law has been undermined by other statutes, like those this bill would address, that require job applicants – and even volunteers – to pay for the “privilege” of being fingerprinted and having to prove their innocence. The requirement is all the more egregious since the occupations for which this fee payment is demanded are often low-paying and female-dominated jobs and positions.

The General Assembly had good reason to ban employment application fees, but having to pay for a background check is, for all intents and purpose, precisely that kind of fee. If the state believes that a criminal record check is an essential component of being hired for a job, the state should take the responsibility for paying for it.

However, we are very concerned about the first part of this bill, which would vastly increase the range of people who would be required to undergo criminal background checks if they work or volunteer with children. Its expansive terms would apply to:

Any person, whether compensated or serving in a volunteer capacity, who provides instruction, coaching, supervision, or organized activities to children or youth in programs including, but not limited to, dance, sports, cheerleading, gymnastics, wrestling, martial arts, music instruction, academic tutoring, or other similar organized youth activities, and whose duties involve supervisory authority over a child or routine contact with a child without the presence of another screened adult.

The General Assembly has enacted numerous laws aimed at requiring criminal background checks for various professions and volunteers serving children. As concerning as we find the reach of some of those laws, they were considered on an individual basis allowing for discussion and determinations on the appropriateness and scope of the criminal record check requirements. By its vast reach, this legislation circumvents that process. It would require, for example, the piano teacher who goes to a teenager’s home for music lessons to undergo an intrusive criminal record check if the teenager’s parents were not at home.

In addition, while the legislation defers to DCYF regulations to determine the past conduct that would disqualify a person from volunteering for any of these activities, this is problematic as we do not believe that the agency's regulatory process currently comports with the state's Fair Chance Licensing Act. R.I.G.L. §28-5.1-14. To give just one example, a person with a felony drug offense conviction less than five years old is automatically disqualified from being licensed. A person with a felony drug offense that is more than five years old is also disqualified unless they "demonstrate they have a long standing record of excellence in child care," something most people seeking to volunteer or be employed are unlikely to have.

In light of the breadth of the language on Page 2 of the bill and cited above, we respectfully urge the committee to reject this aspect of it. Thank you for considering our views.