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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-S 3037, RELATING TO CRIMINAL OFFENSES – DISORDERLY CONDUCT May 12, 2026

This bill would subject to felony penalties any person operating a “recreational vehicle” who does so in a “reckless or negligent manner” and hinders the movement of traffic with at least two other such vehicles. The bill also authorizes the forfeiture of the vehicle. Because we believe the penalties contained in this legislation are extremely disproportionate to the offense, the ACLU of Rhode Island opposes this legislation.

We fully appreciate the conduct that this bill is aimed to punish and are aware of the problems that can be created by swarms of ATV riders affecting traffic, but to make felons out of people for engaging in “negligent” driving – and to do so for conduct engaged in by people who are overwhelmingly young, and often just teenagers – is to impose a lopsided penalty compared to other much more serious driving offenses.

After all, an adult who has refused a chemical test on *three separate occasions* is subject only to misdemeanor penalties. An adult who has *twice been found* to have been driving under the influence with a BAC of .15% or above faces only misdemeanor penalties. And in none of these cases does the driver face forfeiture of their vehicle for their driving misconduct. The disparate treatment provided by this bill is glaring, inappropriate, and contrary to the goal of justice reinvestment that the legislature has tried to focus on in the past decade.

For these reasons, the ACLU of RI urges rejection of this bill.