

June 18, 2014

The Hon. Lincoln Chafee
Governor
State House
Providence, RI 02903

RE: 14-H 7619A / 14-S 2643A

Dear Governor Chafee:

Our organizations respectfully request your veto of 14-H 7619A and 14-S 2643A, which would make it a felony, subject to five years imprisonment, for a person to steal any “farm product” (broadly defined to include, among other things, “supplies used or produced in a farming operation”) that is worth more than \$250.

It is an unfortunate occurrence every year for the General Assembly to pass numerous bills that arbitrarily increase the punishment for various crimes. But the criminal penalty imposed by this bill is particularly worthy of concern in light of the relative non-severity of the offense at issue and the troubling precedent its passage would set.

Under current law, larceny offenses are misdemeanors unless the property stolen is worth *\$1,500 or more*; larceny over that amount is a felony. In fact, it was only two years ago that the law was amended to increase that threshold from \$1,000 in order to avoid overly harsh penalties for relatively minor incidences of theft.

This legislation, in addition to undermining that statute and encouraging further attempts to water down the very reasonable distinction it sets, makes light of the serious collateral consequences that flow from a felony conviction. If this bill is approved, young people who steal \$250 worth of farm products will face not only up to five years in prison, but also long-term consequences that include disqualification from a wide variety of occupations, military service, and federal benefits.

We certainly understand the frustration of farmers who see the yields of their hard labor stolen. Theft of farm produce should be prosecuted and punished. But like Inspector Javert, surely we as a society have lost our way if we believe that sending somebody to prison for one year for stealing \$250 worth of food is not harsh enough. Nor is there any fairness in turning the theft of particular items into a major felony based solely on the fact that the larceny occurred on a farm rather than from a person’s backyard.

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In order to avoid the further “over-felonization” of offenses that deserve misdemeanor penalties, and to prevent the lifelong harm and stigma that can flow from a felony record, we urge your veto of this legislation.

Respectfully,

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