



## 2019 LEGISLATIVE SESSION SEES MAJOR VICTORY FOR ABORTION RIGHTS

In a historic session that saw hundreds of advocates and community organizations lobbying and demonstrating daily at the Statehouse over abortion rights, the passage of the Reproductive Privacy Act on June 19<sup>th</sup> was a momentous victory that was 25 years in the making. After many years of work, the principles of *Roe v. Wade* are codified into Rhode Island law and the protection of safe, legal abortion is finally provided for in the Ocean State, regardless of the shifting federal ideologies towards abortion care.

This critical piece of legislation wasn't the only important victory this session. The General Assembly also approved bills that: ensure that an individual's driver's license isn't immediately suspended after failing to pay traffic fees and fines, remove the sales tax on feminine hygiene products, and guarantee state veterans' benefits to individuals who were discharged from the military based on their sexual orientation or gender identity. But there were also many opportunities to support rehabilitative criminal justice measures and protect other basic rights that ultimately did not come to fruition.

The failed attempt to legalize recreational marijuana or to promote legislative justice for those victimized by its illegality for so long was a dark spot for advocates. The General Assembly also neglected bills promoting equal pay and strengthening sexual harassment laws. An effort across chambers to address education standards in Rhode Island ultimately didn't tackle significant issues and barriers affecting students of color and low-income students. And, yet again, the General Assembly passed legislation which created new crimes and enhanced prison sentences, contributing to the consistent problem of the Rhode Island statehouse-to-prison pipeline.

In this newsletter, you can read about these and other bills the ACLU of RI lobbied on this year. You can learn more about the 2019 legislative session – and read our testimony on dozens of bills – on our website at [www.riaclu.org/legislation](http://www.riaclu.org/legislation). Lastly, thank you to all who raised your voices this year and pushed your legislators to protect civil liberties; it truly made a difference.

### CIVIL LIBERTIES ADVOCACY TOOLKIT

Want to get ready for 2020 and learn more about advocating for civil liberties at the General Assembly? Visit [www.riaclu.org/legislation](http://www.riaclu.org/legislation) and click on **ABORTION** TOOLKIT for more information on legislative advocacy.

### LOOK INSIDE

Abortion Rights	2
War on Drugs	2
First Amendment	3
Civil Rights	3-4
Due Process	4
Students' Rights	5
Privacy Rights	5-6
Voting Rights	6
Immigrants' Rights	7
Criminal Justice	7

## FROM THE DESK OF THE EXECUTIVE DIRECTOR

The passage of the Reproductive Privacy Act was undoubtedly the highlight of this legislative session. Just as importantly, it was a testament to the power of individuals to incite positive change. The ACLU was proud to be part of the coalition that worked tirelessly to get this bill passed in the face of daunting odds and a conservative General Assembly. But we must remain vigilant to fight future efforts which will try to undermine this crucial legislative victory.

As this newsletter demonstrates, though, the ACLU's agenda goes far beyond any one bill or issue. In line with past years, we lobbied on more than 300 pieces of legislation this session, and on just about every civil liberties issue imaginable.

I firmly believe that our daily State House presence, and being there to speak out on bills that no other organization will, is our greatest legislative strength. With your support, we will continue to make our voice heard on bills large and small.

--Steven Brown

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## Reproductive Privacy Act – PASSED 👍

As the US Supreme Court's attitude towards abortion rights becomes murkier, a pro-choice coalition, of which the ACLU is an active member, made a huge push to ensure that 2019 became the year that the constitutional protections of *Roe v. Wade* were codified into Rhode Island law – and it was. In a huge victory for pro-choice advocates, on June 19<sup>th</sup> the Rhode Island House passed the bill with a 45-29 vote and the Senate with a vote of 21-17. The Governor signed the bill that evening. This bill preserves the status quo of abortion healthcare in Rhode Island and guarantees that the shifting ideology of the Supreme Court will not impede a person's right to choose. The legislation also repealed several state laws which had been found to be unconstitutional but remained on the books, including one requiring spousal notification before having an abortion. (H 5125 Sub B)

## WAR ON DRUGS

### Legalization of Marijuana – DIED 👎👎

One of the most publicized and contentious aspects of Governor Raimondo's proposed FY 2020 budget was the legalization of adult-use recreational marijuana. We supported the legalization of marijuana in principle, but we also took a deep dive into the full 128-page proposed Article. We echoed concerns from the medical marijuana community who wished to see the medicinal and recreational forms of the drug sold and marketed separately, so that those who rely on marijuana for medicinal purposes have consistent, reliable access and would continue to be able to grow their own medicine.

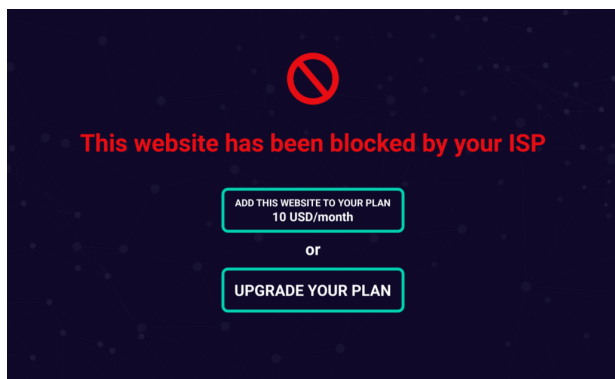


We additionally raised concerns regarding the heavy-handed distribution of fines and penalties for potentially minor infractions, the lack of strong employment protections for marijuana users, and criminal record restrictions on entering the marijuana business, which would have frozen out many people in communities of color who bore the brunt of the war on marijuana for decades. Representatives from the Department of Health, the State Police, and the Department of Business Regulation all expressed support for the bill, but legalized recreational marijuana was not included in

the final revised budget. It was unfortunate not to see marijuana legalized this year, but its passage as proposed would have been problematic as well. (H 5151 Article 20)

### Drug Reclassification – DIED 👎

The implications of a felony charge versus a misdemeanor are substantial, and impact numerous facets of one's life, including access to employment, housing, and higher education. This legislation would have reclassified simple drug possession from a felony to a misdemeanor. We supported the bill, noting it would ensure that an individual's criminal record does not automatically exclude them from the very structures they need to support their recovery. Although promoted by the Attorney General, the bill died in committee in both chambers. (H 5760, S 472)



## FIRST AMENDMENT

### Net Neutrality – DIED 🙅

Although Governor Raimondo commendably signed an executive order last year to address the issue, the General Assembly once again failed to take long-term action on legislation to protect net neutrality in Rhode Island beyond the end of her term. The legislation would have prohibited state-purchased or funded Internet Service Providers from halting, slowing, or otherwise tampering with the transfer of data, thus ensuring fair and equal access to all internet content. The Senate approved the legislation, but the House failed to act. (S 40)

### Disclosure of Campaign Contributions– DIED 🙅

A campaign finance bill, introduced only in the last week of the session, raised important First Amendment concerns, prompting the ACLU's opposition. Presently, all campaign contributions of over \$100 to political action committees or candidates must be publicly disclosed. This legislation would have reduced that threshold to \$25. Years ago, the ACLU successfully challenged a \$0 disclosure requirement on behalf of an anonymous Jane Doe who wanted to make a small donation to a pro-choice PAC but was afraid that she would face retribution from her Catholic church if the contribution was publicly disclosed. This helped lead to the legislature's adoption of a \$100 contribution disclosure threshold, which we felt struck the correct balance between individual privacy, First Amendment rights, and campaign finance transparency. Although this bill – whose origins were never explained – passed swiftly out of the Senate on the second-to-last day of the session, it never received a vote in the House and died. (H 6255, S 1004)

### Lobbying Tax – DIED 🙅

A provision in the initial version of the FY 2020 budget included, amongst other potential taxes on “services,” a proposed 7% sales tax on “lobbying services.” We argued that this tax amounted to a direct levy on the exercise of political speech, a quintessential First Amendment activity. By solely applying this tax to lobbying, and not any peripheral services related to it, such as public relations or political consulting, the core exercise of the right to petition government was singled out for adverse treatment. The proposal also allowed the “dues” of organizations engaged in lobbying services to be taxed, which could have had a significant fiscal impact on many non-profit organizations. This provision was ultimately not included in the revised budget proposal. (H 5151 Article 5, Section 9)

## CIVIL RIGHTS

### Tampon Tax – PASSED 🙌

Until this session, the list of items exempted from sales tax in Rhode Island was extensive, disparate, and noticeably missing one class of product: feminine hygiene products. Rhode Island tax law had actually treated them as “luxury items.” As these products are purchased predominantly by women, the practical result was a sex-based tax on items that, we feel confident saying, no Rhode Island woman views as a luxury. The repeal of the “tampon tax” was introduced as standalone legislation but was ultimately incorporated into and passed with the FY 2020 budget. (H 5151 Article 5 Section 9, H 5307, S 49)

### Discrimination Against Families with Disabilities – DIED 🙅

This legislation would have precluded the disability of a parent from serving as the basis for denying them rights in the upbringing of their children. We supported this legislation because a fundamental component of parental rights is the ability to care for one's family without fear of discrimination, but families have been, and continue to be, subjected to this discriminatory treatment. Although passed by the Senate, the bill died in the House. (H 5562, S 702)

### Veterans' Benefits – PASSED 🙌

Prior to the end of “Don't Ask, Don't Tell,” military veterans discharged because of their sexual orientation were often given a “less than honorable” discharge, leaving them unable to qualify for many benefits they would have otherwise earned, including burial at the veterans' cemetery. “Don't Ask, Don't Tell” is defunct, but the “less than honorable” discharges continue to limit these former service members' ability to obtain the same benefits as others they fought beside. The General Assembly passed a bill to rectify this practice by permitting the recipients of such discharges to qualify for state benefits when the discharge was based on their sexual orientation or gender identity. (H 5443, S 837)



## DUE PROCESS

### Driver's License Suspensions – PASSED 👍

Under previous law, drivers had to pay the entirety of their traffic fines up front or risk the suspension of their driver's license. This system can easily trap individuals in a cycle of poverty as they struggle to pay their fines and keep their job without the ability to legally drive. This legislation, approved by the General Assembly, addresses that serious problem by providing an "ability-to-pay" hearing to authorize a payment plan or a reduction in fines owed before a driver's license suspension is imposed as punishment. The bill's passage this session should have a positive impact on many Rhode Islanders. (H 6254, S 78)

### Juvenile Interrogation Procedures – DIED 🙅

It's no surprise that juveniles are generally less able than adults to understand, and act upon, their legal rights while being questioned; yet law enforcement officials proceed as if they are well-informed adults with a full grasp of the situation. This legislation would prohibit the questioning of a juvenile suspected of criminal activity without a parent or legal guardian present. A case recently handled by the ACLU, in which an 8-year-old girl was removed from a school bus, transported to the police, interrogated, and detained without her parent's knowledge, encapsulates the need for this legislation. This bill passed the Senate but died in committee in the House. (H 5334, S 496)

### Emergency Commitment of Substance Use Disorder Patients

#### – TURNED INTO STUDY COMMITTEE 👍

Similar to legislation introduced in previous years, the initial version of this bill would have allowed a physician to request a hold on a substance-abusing patient and provided a process for a court hearing to determine if emergency involuntary commitment would be appropriate for the patient. We argued that the bill raised massive due process concerns and could be counterproductive to the goal of recovery. After also hearing objections from the medical and substance abuse communities, the bill was amended to instead create a House special legislative commission to examine the effects of passing such a law. We will closely monitor the commission's work. (H 5751 Sub A)



### Seizure of Animals – PASSED 🙅

The ACLU objected to the breadth of this legislation, which would allow representatives of the RISPCA, a private organization, to seize animals – without a warrant or any requirement of exigent circumstances – that appeared to be “aged,” “disabled,” or “sick.” We argued that the bill amounted to a significant violation of the Fourth Amendment's guarantee against unreasonable searches and seizures, but it passed both the House and the Senate. The ACLU, along with a number of animal welfare groups, requested that the Governor veto the bill, but she signed it into law. (H 5433, S 465)

### Animal Abuse Registry – DEFEATED 🙅

We opposed legislation that would have created an “animal abuse registry” with registration and community notification requirements similar to those in effect for persons convicted of sex offenses. Like the sex offender laws, establishment of this registry would be costly, undermine rehabilitation for offenders, subject them to severe criminal penalties merely for failing to follow proper registration requirements, and promote harassment of ex-offenders seeking to reintegrate into the community. The legislation passed the House and, on the last day of the session, out of Senate committee. However, following opposition from the ACLU, mental health advocacy groups, and the American Kennel Club, the bill suffered a rare floor defeat in the Senate when it was voted down 22-8. (H 5113)

## STUDENTS' RIGHTS

### Threat Assessment Teams – PASSED 👍

A heightened, though unsubstantiated, fear of violence on school campuses has led to legislative efforts intended to mitigate potential threats but that sometimes impinge on civil liberties; this legislation is representative of those efforts. It mandates vaguely defined “threat assessment teams” for each school in Rhode Island, which could investigate students without parental notification. The bill further required school districts to adopt policies for implementing these teams.

The scarcity of specialized staff members who can assist students in need of psychological support has been increasingly supplemented by school resource officers. We expressed concerns that, by default, these assembled threat assessment teams will become heavy on law enforcement and light on staff who professionally provide mental health support. We also testified that the enforcement protocols likely would disproportionately affect students of color and students with disabilities, whose behaviors, actions, and words are often treated more harshly than those of other students. The legislation passed both chambers. In response, we will be vigilant in analyzing the policies and procedures adopted by these teams. (H 5538, S 818)



### School Computer Privacy – DIED 🙅

In recent years, it has become commonplace for schools to distribute computers to students for their home use. Unfortunately, as a study we conducted in 2017 showed, students have virtually no privacy protections on these computers, with some policies even allowing remote spying. This legislation would have implemented comprehensive privacy requirements for these computers by allowing school officials to search devices only if they have reasonable suspicion to believe the student has engaged in misconduct on the computer, and prohibiting remote access except in limited circumstances. Unfortunately, the bill died in committee. (S 549)

### Right to an Education – DIED 🙅

For students in low-income communities, remedies for a lack of educational equity are particularly urgent. This legislation proposed an amendment to the Rhode Island Constitution which would guarantee the right to an adequate education. The Rhode Island Supreme Court has several times rejected the notion that students have a judicially enforceable right to an education; this bill would have enshrined this right as a fundamental one subject to judicial review. However, the bill died in committee in both chambers. (H 5252, S 42)

## PRIVACY RIGHTS

### Opioid Overdose Notification – PASSED 👍

The ACLU has been attentive in opposing “solutions” to the opioid epidemic that compromise patient rights, including their right to confidentiality. It is for this reason that we opposed this legislation which allows hospital emergency physicians to, in unspecified circumstances, notify the emergency contacts of a patient who has experienced a drug overdose, without the patient’s consent. We noted that some patients may go to dangerous lengths, such as avoiding medical help altogether, in order to avoid having medical personnel disclose their condition against their wishes. This bill ultimately passed both chambers. (H 5383, S 139 Sub A)



### Adult Immunization Database – PASSED 👍

The Department of Health continued its recent troubling work in weakening patient confidentiality with legislation mandating that a vast array of personal medical information be included in a new “adult immunization registry” database unless the patient opted out. The ACLU argued that it should be the patient’s choice to opt-in to, rather than out of, such a database, but the bill passed in both chambers. (H 5541, S 676)



### Computer Verification of Hours Worked – DIED 🙄

Introduced as a bill that would hold state contractors accountable for their paid work, this Orwellian legislation, if enacted, would have virtually ensured significant violations of personal privacy. It required software to take screenshots of a state contractor’s computer every three minutes, which would then be made available to the state in “real time” in order to verify a contractor’s billed hours. This bill died in committee in both chambers. (H 5255, S 125)

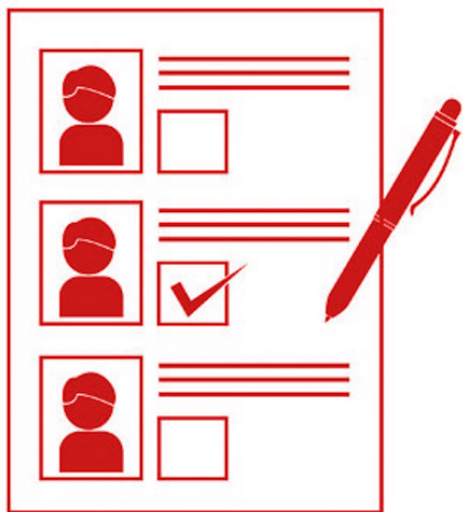
### Commission to Study Decriminalizing Sex Work – DIED 🙄

In order to address the disproportionate impact that arrests for prostitution have on women, and the inappropriate use of police resources for a victimless crime, this bill would have created a commission to study the impact of decriminalizing prostitution laws in Rhode Island. Despite the support of many academic organizations and advocacy groups, the legislation died in committee. (H 5354)

## VOTING RIGHTS

### Combined Voting Districts – PASSED 🙄

The General Assembly passed a Board of Elections-backed piece of legislation which will allow local Boards of Canvassers to combine voting districts for many elections. Unfortunately, the bill lacks clear and objective standards for how decisions are made to consolidate polling locations, has no notification procedures to inform voters of their changed polling locations, and fails to limit the number of voters who can be sent to a consolidated district’s polling locations. Along with other voting rights advocacy groups, we proposed an amendment to address these concerns in the House version of the bill, but the amendment was defeated on the floor. After passing both chambers, and despite our veto request, the Governor swiftly signed the legislation into law. (H 5864, S 474)



### Limits on Write-In Candidates – DIED 🙄

If, as we often hear, “every vote counts,” voters should have the right to have their votes tallied, even if for a losing cause. Legislation proposed by the state Board of Elections to eliminate the counting of write-in votes for persons who did not file in advance a “declaration of intent” eviscerated that right and was opposed by the ACLU. The bill passed the House but died in the Senate. (H 5709, S 477)

### Presidential Tax Returns – DIED 🙄

The ACLU argued that legislation introduced in direct response to the last Presidential election and then-candidate Donald Trump’s refusal to release his tax records would set a dangerous precedent. By requiring Presidential and Vice-Presidential candidates to disclose their five most recent federal tax returns in order to qualify for the ballot, this legislation would have added an inappropriate barrier to running for office. The ACLU of RI has long objected to legislative efforts to impose additional qualifications on candidates to qualify for the ballot, just as it has decried efforts to create additional barriers in the way of voters. It is especially problematic for states to do so in the context of federal elections. The legislation passed the Senate but died in the House. (H 5727, S 342)



## IMMIGRANTS' RIGHTS



### Drivers' Licenses for All – DIED 🙅

With the federal government creating an increasingly hostile environment for undocumented immigrants, it is imperative that Rhode Island take steps towards protecting the rights of all of its residents. This legislation would have allowed for one such critical measure by extending the right to obtain a driver's license to those who are undocumented. Although supported by the ACLU, the Immigrant Coalition, the DMV, and Governor Raimondo, this bill died in committee in both chambers. (H 5511, S 153)

## RIGHTS OF INCARCERATED AND FORMERLY INCARCERATED INDIVIDUALS

### Juvenile Sentencing – DIED 🙅

As the Supreme Court has noted, adolescence is marked by “transient rashness, proclivity for risk, and the inability to assess consequences.” This legislation addresses the problem of lengthy prison sentences for juveniles who are charged as adults by allowing juveniles sentenced in this manner to come before the parole board after fifteen years, regardless of the length of their sentence. Unfortunately, this bill died in committee in both chambers. (H 5333, S 341)

### Occupational Licensing – DIED 🙅👍

Dozens of licensed occupations in our state have conviction-related barriers codified by legislation, and every year bills get introduced to include more barriers to licensing based on a person's past criminal record – no matter how old or irrelevant that record may be. In that vein, the Senate passed a bill adding broad convicted-related restrictions to persons seeking medical lab technician licenses, but it died in the House. But the same fate awaited a positive bill, specifically, legislation which would bar an individual's prior criminal record from being the sole measure by which an applicant is disqualified for a license, and would instead create a comprehensive process for determining the relevance of a conviction to the license being sought. This bill would have given a fair chance to all Rhode Islanders who meet appropriate qualifications to obtain an occupational license. (H 5863, S 610)

## CRIMINAL JUSTICE

### Bail Reform – DIED 🙅

While wealthier individuals who can post bail are permitted to go home while awaiting their hearings, those without immediate cash flow are forced to stay in jail until their case is heard, creating a wealth-based incarceration system. We testified in favor of a package of legislation which would have confronted this aspect of the criminal justice system by promoting pretrial release of individuals without the requirement of monetary bail. The bills all died in committee. (H 6065, H 5088, S 492, S 602)

### Mandatory Sentencing – DIED 🙅👍

The ACLU has consistently opposed the imposition of mandatory sentencing terms on the grounds that they are ineffective, costly, eliminate individualized consideration of the offender and the offense, and place too much power in the hands of prosecutors instead of neutral judges. Several bills introduced this session contained provisions that would have imposed mandatory minimum sentences for new criminal offenses relating to weapons. Two were approved in one chamber but died in the other: The House passed a bill which included a mandatory minimum sentence for the use of a stun gun on a police officer, and a bill passed by the Senate would have included such a sentence for manufacturing 3D printed weapons. (H 5022, H 5703, H 5739, H 5741, H 5884, S 84 Sub A)



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## UPCOMING 60<sup>th</sup> Anniversary EVENTS:

Tuesday  
September 24  
5-7pm

### BANNED BOOKS LIVE

See artists and writers read from their favorite banned books in honor of Banned Books Week, 2019. *The Providence Athenaeum, 251 Benefit Street, Providence, RI*

Saturday  
September 28  
7-9pm

### SPOKEN WORD SLAM

Hear local slam artists and poets reflect on the U.S. Constitution. *AS220, 115 Empire Street, Providence, RI*

Friday  
October 18  
5:30pm

### 60<sup>th</sup> ANNIVERSARY GALA

Join us for cocktails and dinner in honor of our 60<sup>th</sup> anniversary. *The Graduate (formerly The Biltmore), 11 Dorrance Street, Providence, RI*

Saturday  
November 16  
6-8pm

### LIVE MUSIC & MORE

Listen to Honey and the JAM live and witness a surprise performance by special guests. *Courthouse Center for the Arts, 3481 Kingstown Road, West Kingston, RI*

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## TUNE IN TO OUR CABLE SHOW: "RIGHTS OF A FREE PEOPLE"

Playing in August: Excerpts from  
our 2019 Legislative Wrap Up

### STATEWIDE:

Channel 13 (Channel 32 on Verizon FIOS)

Tuesdays 10:00pm

Fridays 3:30pm

### PROVIDENCE/NORTH PROVIDENCE:

Channel 18 (Channel 38 on Verizon FIOS)

Wednesdays 9:00pm