

ACLU OF RI POSITION: OPPOSE/AMEND

**TESTIMONY ON 23-H 5429,
AN ACT RELATING TO HEALTH AND SAFETY – LICENSING OF YOUTH CAMPS
February 28, 2023**

This bill would require that every “youth camp” staff member “obtain a criminal record check” and that each camp maintain “an adequate and competent staff of good character and reputation.” However, there is no limitation on what offenses revealed from a criminal record check may serve as disqualifying for any staff member, and the condition that staff be of “good character and reputation” raises concerns that any and all offenses – regardless of their nature or how long ago they were committed – could serve to bar qualified individuals from positions at these camps. Just as the state’s “fair chance licensing” law enacted in 2020 sets clear standards before a person can be denied an occupational license, we believe that similar protections should be in place for criminal records checks for the staff people in this context.

It is also unclear to us whether this legislation is necessary, as background check requirements for these individuals appear to be already covered by current state law, R.I.G.L. §40-13.2-5.1, which addresses criminal record checks for individuals who work in “youth-serving agencies.” More to the point, that statute – and many others like it, but unlike this bill – is specifically limited in scope to those individuals who have “supervisory or disciplinary power” over children or who have “routine contact with a child or children without the presence of other employees.” This appropriately ensures that individuals who may have no interaction with children whatsoever – such as, for example, nighttime maintenance personnel at day camps – are not subject to inappropriately stringent or broad criminal record checks.

We therefore wish to express our general concerns over the breadth of the criminal record check consideration that this legislation would put in place, and its potential adverse impact on individuals who have been justice-involved in the past. If this background requirement is not already covered by state law, we urge that it be limited in accordance with the state’s “fair chance” law and to those with routine contact with children.

Thank you for your consideration of our views.