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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 23-H 6162, ACTS RELATING TO FOOD AND DRUGS – UNIFORM CONTROLLED SUBSTANCES ACT April 20, 2023

This bill would reduce the carceral penalties for certain drug possession offenses from a felony to a misdemeanor. The ACLU of Rhode Island strongly supports this measure.

The overcriminalization of controlled substances – and the disproportionate impact that this has had in particular on BIPOC communities – is a foundation of our current mass incarceration crisis. In addition to the significant and harmful racial disparities in our criminal justice system that enforcement of controlled substance offenses has perpetuated, it is simply bad public health policy to harshly punish individuals who are experiencing a substance use disorder.

A punitive approach to controlled substances has not resulted in a lessening of use nor has it positively impacted the proliferation of these substances in our communities. Rather, the enormous investment that has been made in law enforcement for this purpose should and would be better spent directly providing tangible resources for communities that have been harmed by overcriminalization and ensuring that individuals who would like to seek treatment for substance use issues can do so in non-stigmatizing and non-carceral formats.

Aside from the reasons listed above, this change in the law additionally would saddle fewer individuals with the significant collateral damages of a felony charge, including difficulties accessing employment or housing. Our approach to the criminalization of controlled substances has only served to marginalize certain communities and must be made less punitive. We support passage of this legislation to help alleviate those consequences.

Thank you for your consideration.