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ACLU OF RI POSITION: OPPOSE

TESTIMONY IN OPPOSITION TO 22-H 7508, RELATING TO CRIMINAL OFFENSES – ASSAULTS March 10, 2022

In recent years, the ACLU of Rhode Island has issued reports examining what we call “Rhode Island’s Statehouse to Prison Pipeline.” This refers to the pervasiveness of the passage of laws creating new crimes and increasing criminal penalties for various existing offenses, helping fuel the twin problems of overcriminalization and mass incarceration. While we have no doubt about the good intentions behind this bill, it encapsulates the concerns raised in our report.

This bill would make simple assault on a taxi driver a felony, even though assault is, obviously, already a crime, and serious assaults are already a felony. By creating yet another, and overlapping, carve-out to increase the penalties for what is, by definition, a minor assault, this bill would turn more offenders into felons, with all the consequences that entails.

Unfortunately, the General Laws are replete with special assault penalties. This bill, for example, amends a law enacted only five years ago making it a felony to assault a delivery person. The fact that this penalty already exists for one class of driver is not a reason to add another one to the mix. Pretty soon almost any assault against another person will, by slow accretion, turn into a felony, and end up significantly increasing the universe of ex-felons in the state who face housing, employment and other woes because of conduct that should not be classified as felonious.

Before spending hundreds of thousands of dollars in taxpayer money to lock people up for longer periods of time for this offense, the committee should first deeply consider how truly necessary these increased penalties are. Among the questions that should be considered: what is the fiscal cost to taxpayers if these increased sentences are imposed? Is there any evidence that this increase in punishment will serve as a meaningful deterrent, or is it merely upping the retribution? What are the collateral consequences that flow from making this crime a felony, and is it worth doing that?

One does not have to condone assaultive behavior to recognize that the General Laws is filled with too many statutes that lock up too many people for too long for too many crimes. Because laws already on the books appropriately address this conduct, we urge the Committee’s opposition to this legislation.