



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

**TESTIMONY IN OPPOSITION TO 21-H 5001,  
RELATING TO DISORDERLY CONDUCT –  
UNLAWFUL INTERFERENCE WITH TRAFFIC  
February 2, 2021**

This bill would make it a felony punishable by three years in prison to interfere with traffic by standing, sitting, kneeling or otherwise loitering on a highway. The ACLU of Rhode Island opposes this legislation because it is unnecessary, overbroad and targeted in a discriminatory fashion against individuals engaged in public protest.

The incredibly heavy-handed nature of the punishment imposed by this bill is evident when one considers that it is harsher than the penalty for “driving so as to endanger, resulting in physical injury” (up to two years) or a first-time drunk driving offense (up to one year).

We assume this legislation has been prompted at least in part by the brief shutdown of an I-95 ramp in Providence by local protesters this past October. But there are already statutes under which individuals can be charged for that type of conduct and, in fact, they were used to arrest a number of the protesters involved in the I-95 demonstration.

To the extent the bill is designed to increase the punishment for this type of conduct, we are deeply concerned about that as well. It is not just the maximum three-year sentence that is unduly harsh; the bill also mandates that at least sixty days of the sentence not be subject to suspension, deferral or probation. This type of mandatory sentence is severe in any circumstance, but especially so when aimed particularly at protesters.

Of course, the consequences go beyond that minimum mandatory sentence. Any person

convicted under H-5001 – and it will mostly be young people who are convicted – will carry with them a felony record, potentially impacting severely their future employment, housing and other opportunities for the rest of their lives.

Though perhaps not intended, the bill is also overbroad because it has the potential to curtail the civil liberties of lawful protesters and individuals experiencing homelessness. The legislation's broadly-worded language about standing or "loitering" on a highway leaves open the possibility that individuals panhandling on highway medians – a means of survival and a legal exercise of one's First Amendment rights – could be accused of "distracting" or "delaying" motorists, as could activists standing on a highway median to direct attention to a cause.

The intentional or reckless disruption of traffic occurs all the time – whether it is the inevitable result of high-volume events that bring a lot of traffic into the city or, more relevantly, due to accidents on the roadway caused by careless drivers. H-5001 raises serious concerns by selectively targeting individuals for disparate and harsher treatment solely because they may be interfering with traffic in making a political point.

For all these reasons, the ACLU of RI urges rejection of this legislation.

Submitted by: Steven Brown, Executive Director