

**ACLU OF RI POSITION: OPPOSE**

**TESTIMONY ON 23-S 744,  
AN ACT RELATING CRIMINAL OFFENSES -- WEAPONS  
April 25, 2023**

Federal law bars ex-felons (under either state or federal law) from possessing firearms. This bill, introduced by the Attorney General, would make the same offense a crime under state law too. The ACLU of Rhode Island urges opposition to this legislation.

Leaving aside the potential Second Amendment issues raised by the bill, and about which the federal version is currently the subject of numerous court challenges in light of SCOTUS' recent, and extremely expansive, interpretation of that amendment, the ACLU opposes the bill for a number of reasons.

Our opposition is based on the bill's breadth and our long-standing opposition to laws that disqualify ex-felons from a wide array of rights, benefits, and privileges. It would be one thing if the bill were limited to violent offenses and had a time limit, but it applies to a conviction for *any* felony and at *any time*. In fact, current state law *already* disqualifies individuals who have been convicted of a crime of a violence or a variety of misdemeanor offenses tied to domestic violence. The bill thus disqualifies people who have been convicted of, for example, drug possession crimes and a whole array of other non-violent offenses that have been "felonized" over the decades, including convictions that are decades old.

To highlight its expansiveness, it is worth noting that one of the pending federal court challenges involves a person with a 25-year-old welfare fraud conviction.<sup>1</sup> Just as one's status as an ex-felon should not serve as an automatic barrier to employment opportunities, housing or other government benefits, it should not serve as a *per se* barrier to possessing a firearm. There is no reason for the state to go down the same questionable path as the federal government did years ago.

For all these reasons, we urge rejection of this bill.

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<sup>1</sup> Unlike welfare fraud and other low-income-type non-violent offenses, the federal law does contain a carve-out for "any Federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices."