

ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 25-S 822,
RELATING TO CRIMINAL OFFENSES -- THEFT, EMBEZZLEMENT, FALSE
PRETENSES, AND MISAPPROPRIATION
April 1, 2025**

This bill would make it a felony, punishable by five years in prison, for two individuals associated with each other to shoplift a piece of merchandise. We urge its rejection.

Presently, a person who engages in shoplifting can be punished by as little as a \$50 fine. That makes sense because shoplifting is deemed a crime no matter how financially minor the merchandise shoplifted is – including a package of candy. Yet by engaging in this offense in tandem with another person, the stakes become ridiculously exaggerated.

The ACLU of Rhode Island has long been concerned about the “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 that help fuel the twin problems of overcriminalization and mass incarceration. This bill is an unfortunate example of that.¹

If two or more people conspire to steal expensive items from a store, they can be charged under the law accordingly. In fact, by currently allowing a person to be sent to prison for one year for shoplifting anything, no matter how minor the value, the current statute is, in our view, already too harsh. But turning every minor piece of shoplifting into a felony simply because two young people do it together creates an abuse of the criminal law that should not be allowed. We therefore urge the committee to oppose this bill.

Thank you for considering our views.

¹ For one of the reports the ACLU of RI has issued examining this phenomenon, see “The Statehouse-to-Prison Pipeline,” January 2018, <https://www.riaclu.org/en/publications/report-statehouse-prison-pipeline-january-2018>