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**TESTIMONY IN OPPOSITION TO 15-S 844, RELATING TO  
TOWNS AND CITIES - ORDINANCES  
May 14, 2015**

This bill would increase from \$500 to \$2,000 the penalty that a municipality could impose for certain ordinance violations, including those that “substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public” or “render the public insecure ... in the use of property.”

The proposed language is so broad that it could end up allowing municipalities to quadruple the penalties for very minor ordinance violations, and ones that are often committed by people who have little money. Many types of conduct that fit into the category of “disorderly conduct” or other minor offenses – such as violations of municipal noise, open container or general “nuisance” ordinances – could easily be designated as “annoy[ing]” the “comfort” or “repose” of the public, and thus justify, under this bill, a substantial increase in the monetary penalties for violations. The effect would be to ensnare even more poor people in the criminal justice system as they find themselves unable to pay the fines that are imposed against them.

The bill also makes reference to “environmental offenses.” If there are particular violations in that category for which municipalities would like to see increased monetary fines in order to deal with commercial scofflaws harming the environment for whom \$500 is chump change, those violations should be specifically delineated. However, to the extent this bill seeks to allow the quadrupling of fines for a wide array of municipal ordinances that “annoy” the public, it could, and is most likely to, have a significant and deleterious impact on the poor.

The ACLU therefore opposes passage of S-844.II.