

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO GENERAL ASSEMBLY -- RACIAL IMPACT ASSESSMENT ACT

Introduced By: Senators Mack, Britto, Euer, Kallman, Lauria, and Bell

Date Introduced: March 07, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 22 of the General Laws entitled "GENERAL ASSEMBLY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 20

4 RACIAL IMPACT ASSESSMENT ACT

5 **22-20-1. Short title.**

6 This chapter shall be known and may be cited as the "Racial Impact Assessment Act".

7 **22-20-2. Legislative purpose.**

8 (a) The general assembly recognizes that criminal justice policies adopted by state
9 legislation has disproportionately impacted communities of color across our country and within the
10 State of Rhode Island. This disproportional impact has led to poor health outcomes, low educational
11 attainment and low socioeconomic levels in those communities. In turn, it has exacerbated
12 increased rates of incarceration, increased public health risk and increased involvement with state
13 agencies and monitoring resulting in disenfranchisement and distrust of systems and government.

14 (b) Starting in 2007 and 2008, a handful of states, including Connecticut and
15 Massachusetts, began implementing racial impact statements to address racial disparities in their
16 criminal justice systems. This chapter aims to build on that foundation proposing the establishment
17 of a new legislative tool within this state to address racial impacts of legislation. A racial impact
18 assessment shall be used to improve the general assembly's ability to ensure racial equity and to
19 avoid perpetuating disparities.

1 (c) This chapter aims to add racial impact statements into the legislative process to
2 contribute to the development of sound and fair policy. Racial impact statements will inform
3 legislators of potential consequences of policies that may have a disproportionate impact on
4 historically disadvantaged populations prior to enacting new legislation. Racial impact statements
5 will provide policy makers with data to ensure that when the opportunities are available, they are
6 informed to take steps to reverse trends that have disadvantaged individuals and communities with
7 an understanding of potential impacts, positive or negative.

8 **22-20-3. Definitions.**

9 As used in this chapter, the following words and phrases shall have the following meanings :

10 (1) “Legislative committee” means a joint standing committee of the general assembly, a
11 joint-select committee of the general assembly, a task force, any committee established by the
12 general assembly and composed wholly or in part of legislators for the purpose of conducting
13 legislative business.

14 (2) “Racial impact statement” means an assessment of the potential impact that legislation
15 could have on historically disadvantaged racial populations.

16 (3) “State agency” means a state department, agency, office or board of the state or any
17 agency, office or board of a quasi-public agency of the state.

18 **22-20-4. Committee to oversee racial impact statement reports.**

19 The general assembly shall form a committee to oversee the racial impact statement
20 reports. The committee shall be made up of each chair of each standing legislative committee, the
21 speaker of the house, or designee, and the president of the senate, or designee. The committee shall
22 be provided office space on state property and shall serve as the central office of the racial impact
23 committee and its members.

24 **22-20-5. Racial impact statement information.**

25 Upon request of a legislative committee, or a director of a state agency, or designee, the
26 committee or director shall provide to that legislative committee, data, analysis and other
27 information necessary to prepare a racial impact statement for legislation before that committee or
28 legislation being prepared by that legislative committee. All such information shall be prepared in
29 a timely manner. Racial impact information shall include, but not be limited to:

30 (1) Information regarding what has been done in other states to accomplish the
31 development and use of racial impact statements and how to avoid disparities;

32 (2) What data, analysis or other information is needed to produce a racial impact statement
33 and the best source of that data and other information;

34 (3) Specific policy areas that would benefit from the use of racial impact statements,

1 including education, health care, employment and criminal justice;

2 (4) The costs of implementing the use of racial impact statements, either on a limited basis,
3 such as for certain committees or for all joint standing committees and all legislation; and

4 (5) All other relevant considerations that the racial impact committee deems appropriate.

5 **22-20-6. Goals of racial impact statements.**

6 (a) Based on the prevention principle, the development of racial impact statements aim to
7 reduce the need to correct statutes after the fact and prevents harm, informs of potential harm or
8 disproportionate impact, to specific demographics during the legislative process.

9 (b) A racial impact statement shall be an impartial, simple and understandable statement
10 for which data is currently available within the impacted agencies. The statement, which may be
11 incorporated into a fiscal note for the legislation, will include:

12 (1) A breakdown of overall racial composition of individuals impacted by the legislation
13 in tables or charts for ease of understanding;

14 (2) A brief narrative about the population of people, demographically, that will be
15 impacted;

16 (3) A summary of past disparities and any existing efforts to address them; and

17 (4) The promulgation and adoption of retroactive relief to Black Rhode Islanders and other
18 historically disadvantaged racial populations who have been harmed by prior racially motivated
19 criminal justice legislation.

20 **22-20-7. Parameters for statements.**

21 (a) The sponsor of the legislation or the chair of the committee to which the legislation is
22 assigned shall request a racial impact statement to be prepared by the house fiscal office or the
23 agency that will be administering the legislation. Racial impact statements are required when
24 proposed legislation pertains to individuals impacted by the criminal justice system in expenditures
25 of grants and resources.

26 (b) Collaboration between agencies and the house fiscal office is encouraged to minimize
27 any reporting burdens.

28 (c) Racial impact statements shall be made available to the public at the time that bills are
29 posted for hearing in committees to ensure that the public and legislators have the information
30 available to inform testimony and hearings. Racial impact statements shall be deemed public
31 records under the provisions of chapter 2 of title 38.

32 **22-20-8. Reports.**

33 By December 31 of each year, the chairs of each standing committee shall provide a report
34 to the speaker of the house and senate president. The report shall include:

1 (1) The number of pieces of legislation and the types of legislation for which racial impact
2 statements were requested and used;

3 (2) The manner in which the racial impact statements were obtained or developed;

4 (3) The amount of time, both as an average and individually, needed to develop each racial
5 impact statement;

6 (4) The cost, if any, of each racial impact statement provided to the standing committees;
7 and

8 (5) An analysis from the chair of each standing committee as to the usefulness of the impact
9 statements.

10 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO GENERAL ASSEMBLY -- RACIAL IMPACT ASSESSMENT ACT

1 This act would require racial impact statements as to pending legislation and to provide an
2 analysis and other information necessary to prepare such statement, which is an assessment of the
3 potential impact of the legislation on historically disadvantaged racial populations as well as
4 retroactive relief.

5 This act would take effect upon passage.

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