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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS

Introduced By: Representative Charlene Lima

Date Introduced: February 26, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 12-1.3-2 and 12-1.3-3 of the General Laws in Chapter 12-1.3 entitled  
2 "Expungement of Criminal Records" are hereby amended to read as follows:

3           **12-1.3-2. Motion for expungement.**

4           (a) Any person who is a first offender may file a motion for the expungement of all records  
5 and records of conviction for a felony or misdemeanor by filing a motion in the court in which the  
6 conviction took place; provided, that no person who has been convicted of a crime of violence shall  
7 have his or her records and records of conviction expunged; and provided, that all outstanding  
8 court-imposed or court-related fees, fines, costs, assessments, charges, and/or any other monetary  
9 obligations have been paid, unless such amounts are reduced or waived by order of the court.

10           (b) Notwithstanding § 12-1.3-1(3) ("first offender"), any person who has been convicted  
11 of more than one misdemeanor, but fewer than six (6) misdemeanors, and has not been convicted  
12 of a felony may file a motion for the expungement of any or all of those misdemeanors by filing a  
13 motion in the court in which the convictions took place; provided that convictions for offenses  
14 under chapter 29 of title 12, § 31-27-2 or § 31-27-2.1 are not eligible for and may not be expunged  
15 under this subsection.

16           (c) Subject to subsection (a), a person may file a motion for the expungement of records  
17 relating to a misdemeanor conviction after five (5) years from the date of the completion of his or  
18 her sentence.

19           (d) Subject to subsection (a), a person may file a motion for the expungement of records

1 relating to a felony conviction after ten (10) years from the date of the completion of his or her  
2 sentence.

3 (e) Subject to § 12-19-19(c), and without regard to subsections (a) through (c) of this  
4 section, a person may file a motion for the expungement of records relating to a deferred sentence  
5 upon its completion, after which the court will hold a hearing on the motion.

6 (f) Subject to subsection (b) of this section, a person may file a motion for the expungement  
7 of records relating to misdemeanor convictions after ten (10) years from the date of the completion  
8 of their last sentence.

9 (g) Notwithstanding the provisions of subsections (a) through (f) of this section, a person  
10 may file a motion for the expungement of records related to an offense that has been decriminalized  
11 subsequent to the date of their conviction, after which the court will hold a hearing on the motion  
12 in the court in which the original conviction took place.

13 (h) Notwithstanding the provisions of subsections (a) through (f) of this section, a person  
14 may be eligible to have their criminal record expunged of all offenses, if, after forty (40) years from  
15 the date of their last conviction, they have not been charged or been convicted of any offense in  
16 this or any other state; provided, however, that convictions for the following offenses shall not be  
17 expunged: murder (§ 11-23-1), kidnapping with the intent to extort (§ 11-26-2), first or second  
18 degree sexual assault (§§ 11-37-2, 11-37-4), first or second degree child molestation (§§ 11-37-8.1,  
19 11-37-8.3), first degree robbery (§ 11-39-1), first degree child abuse (§ 11-9-5.3), assault on persons  
20 sixty (60) years or older causing serious bodily injury (§ 11-5-10.1), assault on persons with severe  
21 impairments causing serious bodily injury (§ 11-5-10.2), assault on persons sixty (60) years of age  
22 or older by caretaker causing serious bodily injury (§ 11-5-10.4), assault on child in care of  
23 department of children, youth and families causing serious bodily injury (§ 11-5-14.1), battery by  
24 an adult upon child ten (10) years of age or younger causing serious bodily injury (§ 11-5-14.2),  
25 convictions under chapter 29 of title 12 or any conviction under § 31-27-2 or § 31-27-2.1.

26 **12-1.3-3. Motion for expungement — Notice — Hearing — Criteria for granting.**

27 (a) Any person filing a motion for expungement of the records of his or her conviction  
28 pursuant to § 12-1.3-2 shall give notice of the hearing date set by the court to the department of the  
29 attorney general and the police department that originally brought the charge against the person at  
30 least ten (10) days prior to that date.

31 (b) The court, after the hearing at which all relevant testimony and information shall be  
32 considered, may, in its discretion, order the expungement of the records of conviction of the person  
33 filing the motion if it finds:

34 (1)(i) That in the five (5) years preceding the filing of the motion, if the conviction was for

1 a misdemeanor, or in the ten (10) years preceding the filing of the motion, if the conviction was for  
2 a felony, the petitioner has not been convicted nor arrested for any felony or misdemeanor; there  
3 are no criminal proceedings pending against the person; that the person does not owe any  
4 outstanding court-imposed or court-related fees, fines, costs, assessments, or charges, unless such  
5 amounts are reduced or waived by order of the court; and he or she has exhibited good moral  
6 character;

7 (ii) That after a hearing held under the provisions of § 12-19-19(c), the court finds that the  
8 person has complied with all of the terms and conditions of the deferral agreement including, but  
9 not limited to, the payment in full of any court-ordered fines, fees, costs, assessments, and  
10 restitution to victims of crimes; there are no criminal proceedings pending against the person; and  
11 he or she has established good moral character. Provided, that no person who has been convicted  
12 of a crime of violence shall have their records relating to a deferred sentence expunged; ~~or~~

13 (iii) Subject only to §§ 12-1.3-2(b) and (f), that in the ten (10) years preceding the filing of  
14 the motion, if the convictions were for multiple misdemeanors, the petitioner has not been  
15 convicted nor arrested for any felony or misdemeanor; there are no criminal proceedings pending  
16 against the person; and they have exhibited good moral character; and, provided that convictions  
17 for offenses under chapter 29 of title 12, § 31-27-2 or § 31-27-2.1 are not eligible and may not be  
18 expunged under this subsection; or

19 (iv) Subject to § 12-1.3-2(h), multiple convictions for any offense, other than those not  
20 eligible for expungement under § 12-1.3-2(h), that in the forty (40) years preceding the filing of the  
21 motion, the petitioner has not been convicted nor arrested for any felony or misdemeanor, there are  
22 no criminal proceedings pending against the person; and they have exhibited good moral character  
23 and; provided that, convictions for offenses under chapter 29 of title 12, § 31-27-2 or § 31-27-2.1  
24 are not eligible and may not be expunged under this subsection.

25 (2) That the petitioner's rehabilitation has been attained to the court's satisfaction and the  
26 expungement of the records of his or her conviction is consistent with the public interest.

27 (c) If the court grants the motion, it shall order all records and records of conviction relating  
28 to the conviction expunged and all index and other references to it removed from public inspection.  
29 A copy of the order of the court shall be sent to any law enforcement agency and other agency  
30 known by either the petitioner, the department of the attorney general, or the court to have  
31 possession of the records. Compliance with the order shall be according to the terms specified by  
32 the court.

33 (d) The defendant shall be advised at the hearing that any and all bail money relating to a  
34 case that remains on deposit and is not claimed at the time of expungement shall be escheated to

1 the state's general treasury in accordance with chapter 12 of title 8.

2 (e) In cases of expungement sought pursuant to § 12-1.3-2(g), the court shall, after a hearing  
3 at which it finds that all conditions of the original criminal sentence have been completed, and any  
4 and all fines, fees, and costs related to the conviction have been paid in full, order the expungement  
5 without cost to the petitioner. At the hearing, the court may require the petitioner to demonstrate  
6 that the prior criminal conviction would qualify as a decriminalized offense under current law. The  
7 demonstration may include, but is not limited to, an affidavit signed by the petitioner attesting to  
8 the fact that the prior conviction qualifies as a decriminalized offense under current Rhode Island  
9 law.

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 CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS

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- 1           This act would make persons who were convicted of crimes forty (40) or more years ago
- 2 eligible to have their records expunged, with certain exceptions.
- 3           This act would take effect upon passage.

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