

2026 -- S 2127

LC003974

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND APPREHENSION OF  
CRIMINALS

Introduced By: Senators Dimitri, LaMountain, Famiglietti, and Bissaillon

Date Introduced: January 16, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 12-1-12.1 of the General Laws in Chapter 12-1 entitled  
"Identification and Apprehension of Criminals" is hereby amended to read as follows:

**12-1-12.1. Sealing of records of persons acquitted or otherwise exonerated by  
operation of law or by motion.**

(a) By operation of law, the court shall automatically seal the records of any criminal case  
that was dismissed pursuant to the district court rule of criminal procedure 48(a), including all  
records of the division of criminal identification established by § 12-1-4 without the requirement  
of filing a motion under the following circumstances:

(1) Cases dismissed pursuant to the district court rule of criminal procedure 48(a) on or  
after January 1, 2023, shall be automatically sealed not less than ten (10) days and not more than  
twenty (20) days after the dismissal. [Counsel of record for the defendant shall be provided two \(2\)  
certified copies of the sealing order, which may be sent electronically](#); or

(2) Cases dismissed pursuant to the district court rule of criminal procedure 48(a) prior to  
January 1, 2023, shall be sealed administratively by the court clerk at the request of the defendant  
and any sealing order of the district court entered as a result shall be sent electronically by the clerk  
of the court to the bureau of criminal identification established by § 12-1-4 [and served upon the  
arresting law enforcement agency](#) within five (5) days of the entry of the order and shall be carried  
out within ninety (90) days of the receipt of the order. [Counsel of record for the defendant shall be](#)

1 provided two (2) certified copies of the sealing order, which may be sent electronically.

2 (3) Cases or individual counts of a criminal complaint or indictment dismissed pursuant to  
3 the superior court rule of criminal procedure 48(a) shall be sealed administratively by the court  
4 clerk at the request of the defendant and any sealing order of the superior court entered as a result  
5 shall be sent electronically by the clerk of the court to the bureau of criminal identification  
6 established by § 12-1-4 and served upon the arresting law enforcement agency, within five (5) days  
7 of the entry of the order and shall be carried out within ninety (90) days of the receipt of the order.  
8 Counsel of record for the defendant shall be provided two (2) certified copies of the sealing order,  
9 which may be sent electronically.

10 (b) Any person who is acquitted or otherwise exonerated of all counts in a criminal case,  
11 including, but not limited to, dismissals not described in subsection (a) of this section or filing of a  
12 no true bill or no information, may file a motion for the sealing of his or her court records in the  
13 case.

14 (1) Any person filing a motion for sealing his or her court records pursuant to this section  
15 shall give notice of the hearing date set by the court to the department of the attorney general and  
16 the police department that originally brought the charge against the person at least ten (10) days  
17 prior to the hearing.

18 (2) If the court, after the hearing at which all relevant testimony and information shall be  
19 considered, finds that the person is entitled to the sealing of the records, it shall order the sealing  
20 of the court records of the person in that case.

21 (3) The clerk of the court shall, within forty-five (45) days of the order of the court granting  
22 the motion, place under seal the court records in the case in which the acquittal, dismissal, no true  
23 bill, no information, or other exoneration has been entered.

24 (c) Notwithstanding any other provision of this section, in all cases involving a filing  
25 subsequent to a plea of not guilty, guilty, or nolo contendere to a charge of a crime involving  
26 domestic violence, the court having jurisdiction over the case shall retain the records of the case  
27 for a period of three (3) years from the date of filing. The records shall not be expunged or sealed  
28 for a period of three (3) years from the date of the filing.

29 (d) The defendant shall be advised at the hearing that any and all bail money relating to a  
30 case that remains on deposit and is not claimed at the time of sealing shall be escheated to the state's  
31 general treasury in accordance with chapter 12 of title 8.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would require the superior court clerk to automatically seal cases or individual  
2 counts of a criminal complaint or indictment that were dismissed, upon request of the defendant  
3 and would require the clerks in the district and superior courts to serve the orders upon the bureau  
4 of criminal identification, the arresting law enforcement agency and provide two (2) certified copies  
5 to counsel of record.

6           This act would take effect upon passage.

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