

2022 -- H 7354

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND APPREHENSION OF
CRIMINALS

Introduced By: Representatives Felix, Batista, Craven, McEntee, Potter, Amore, Henries,
Tanzi, and Williams

Date Introduced: February 04, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 ~~**12-1-12.1. Motion for sealing of records of persons acquitted or otherwise exonerated**~~
4 **Motion for sealing of records of persons acquitted or otherwise exonerated or by operation**
5 **of law.**

6 (a) Any person who is acquitted or otherwise exonerated of all counts in a criminal case,
7 including, but not limited to, dismissal or filing of a no true bill or no information, may file a motion
8 for the sealing of his or her court records in the case.

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

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

16 (d) A sealing may be ordered by the court without motion and by operation of law thirty
17 (30) days after the person has been acquitted or otherwise exonerated of all counts in a criminal
18 case, including, but not limited to, dismissal or filing of a "no true bill" or "no information".

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

4 ~~(f)~~(f) Notwithstanding any other provision of this section, in all cases involving a filing
5 subsequent to a plea of not guilty, guilty, or nolo contendere to a charge of a crime involving
6 domestic violence, the court having jurisdiction over the case shall retain the records of the case
7 for a period of three (3) years from the date of filing. The records shall not be expunged or sealed
8 for a period of three (3) years from the date of the filing.

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

12 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 provide for the sealing of court records without motion and by operation of
- 2 law thirty (30) days after acquittal or exoneration of all counts in a criminal case.
- 3 This act would take effect upon passage.

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