

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL PROCEDURE – EXPUNGEMENT OF CRIMINAL RECORDS

Introduced By: Senators LaMountain, Bissailon, F. Lombardi, and McKenney

Date Introduced: January 24, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **12-1.3-1. Definitions.**

4 For purposes of this chapter only, the following definitions apply:

5 (1) "Crime of violence" includes murder, manslaughter, first degree arson, kidnapping with
6 intent to extort, robbery, larceny from the person, first degree sexual assault, second degree sexual
7 assault, first and second degree child molestation, assault with intent to murder, assault with intent
8 to rob, assault with intent to commit first degree sexual assault, burglary, and entering a dwelling
9 house with intent to commit murder, robbery, sexual assault, or larceny.

10 (2) "Expungement of records and records of conviction" means the sealing and retention
11 of all records of a conviction and/or probation and the removal from active files of all records and
12 information relating to conviction and/or probation.

13 (3) "First offender" means a person who has been convicted of a felony offense or a
14 misdemeanor offense, and who has not been previously convicted of or placed on probation for a
15 felony or a misdemeanor and against whom there is no criminal proceeding pending in any court.

16 (4) "Law enforcement agency" means a state police organization of this or any other state,
17 the enforcement division of the department of environmental management, the office of the state
18 fire marshal, the capitol police, a law enforcement agency of the federal government, and any
19 agency, department, or bureau of the United States government which has as one of its functions

1 the gathering of intelligence data.

2 (5) "Misdemeanor" includes, but is not limited to, those crimes previously classified as
3 felonies under law at the time the original sentence was imposed but reclassified by the general
4 assembly as a misdemeanor in the interim, prior to the time the motion to expunge is brought.

5 ~~(5)~~(6) "Records" and "records of conviction and/or probation" include all court records, all
6 records in the possession of any state or local police department, the bureau of criminal
7 identification and the probation department, including, but not limited to, any fingerprints,
8 photographs, physical measurements, or other records of identification. The terms "records" and
9 "records of conviction, and/or probation" do not include the records and files of the department of
10 attorney general which are not kept by the bureau of criminal identification in the ordinary course
11 of the bureau's business.

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 redefine misdemeanors for expungement purposes and make prior felonies,
2 subsequently reclassified as misdemeanors, eligible for expungement pursuant to §§ 12-1.3-2 and
3 12-1.3-3.

4 This act would take effect upon passage.

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