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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS

Introduced By: Senator Michael J. McCaffrey

Date Introduced: February 13, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **12-1.3-3. Motion for expungement -- Notice -- Hearing -- Criteria for granting. --** (a)
4 Any person filing a motion for expungement of the records of his or her conviction pursuant to
5 section 12-1.3-2 shall give notice of the hearing date set by the court to the department of the
6 attorney general and the police department which originally brought the charge against the person
7 at least ten (10) days prior to that date.

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

11 (1) That in the five (5) years preceding the filing of the motion, if the conviction was for
12 a misdemeanor, or in the ten (10) years preceding the filing of the motion if the conviction was
13 for a felony, the petitioner has not been convicted nor arrested for any felony or misdemeanor,
14 there are no criminal proceedings pending against the person, and he or she has exhibited good
15 moral character;

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

18 (c) If the court grants the motion, it shall, ~~after payment by the petitioner of a one~~
19 ~~hundred dollar (\$100) fee to be paid to the court~~ order all records and records of conviction

1 relating to the conviction expunged and all index and other references to it deleted. A copy of the
2 order of the court shall be sent to any law enforcement agency and other agency known by either
3 the petitioner, the department of the attorney general, or the court to have possession of the
4 records. Compliance with the order shall be according to the terms specified by the court.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS

1 This act would eliminate the requirement that a successful petitioner pay a one hundred
2 dollar (\$100) fee in order to have all records and records of conviction relating to the conviction
3 expunged as well as all index and other references to it deleted.

4 This act would take effect upon passage.

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