

2024 -- S 2193

LC003983

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND APPREHENSION OF
CRIMINALS

Introduced By: Senators LaMountain, Bissaillon, 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 12-1-12.1 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. Sealing of records of persons acquitted or otherwise exonerated by**
4 **operation of law or by motion.**

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

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

13 (2) Cases dismissed pursuant to the district court rule of criminal procedure 48(a) prior to
14 January 1, 2023, shall be sealed administratively by the court clerk at the request of the defendant
15 and any sealing order of the district court entered as a result shall be sent electronically by the clerk
16 of the court to the bureau of criminal identification established by § 12-1-4 [and served upon the](#)
17 [arresting law enforcement agency](#), within five (5) days of the entry of the order and shall be carried
18 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.

=====
LC003983
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND APPREHENSION OF
CRIMINALS

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

6 This act would take effect upon passage.

=====
LC003983
=====