

2024 -- S 2788

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS

Introduced By: Senator Ana B. Quezada

Date Introduced: March 08, 2024

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-1.3-4 of the General Laws in Chapter 12-1.3 entitled
2 "Expungement of Criminal Records" is hereby amended to read as follows:

3 **12-1.3-4. Effect of expungement of records — Access to expunged records —**
4 **Wrongful disclosure.**

5 (a) Any person having his or her record expunged shall be released from all penalties and
6 disabilities resulting from the crime of which he or she had been convicted, except, upon conviction
7 of any subsequent crime, the expunged conviction may be considered as a prior conviction in
8 determining the sentence to be imposed.

9 (b) In any application for employment, license, or other civil right or privilege, or any
10 appearance as a witness, a person whose conviction of a crime has been expunged pursuant to this
11 chapter may state that he or she has never been convicted of the crime; provided, that if the person
12 is an applicant for a law enforcement agency position, for admission to the bar of any court, an
13 applicant for a teaching certificate, under chapter 11 of title 16, a coaching certificate under § 16-
14 11.1-1, ~~or~~ the operator or employee of an early childhood education facility pursuant to chapter
15 48.1 of title 16, [or an applicant for a license or permit to carry a pistol or revolver under §§ 11-47-](#)
16 [11 or 11-47-18](#), the person shall disclose the fact of a conviction.

17 (c) Whenever the records of any conviction and/or probation of an individual for the
18 commission of a crime have been expunged under the provisions of this chapter, any custodian of
19 the records of conviction relating to that crime shall not disclose the existence of the records upon

1 inquiry from any source unless the inquiry is that of the individual whose record was expunged,
2 that of a sentencing court following the conviction of the individual for the commission of a crime,
3 or that of a bar admission, character and fitness, or disciplinary committee, board, or agency, or
4 court which is considering a bar admission, character and fitness, or disciplinary matter, or that of
5 the commissioner of elementary and secondary education, or that of any law enforcement agency
6 when the nature and character of the offense with which an individual is to be charged would be
7 affected by virtue of the person having been previously convicted of the same offense, or that of
8 any law enforcement agency which is considering the issuance of a license or permit to carry a
9 pistol or revolver under §§ 11-47-11 or 11-47-18.

10 (d) The custodian of any records which have been expunged pursuant to the provisions of
11 this chapter shall only release or allow access to those records for the purposes specified in
12 subsections (b) or (c) of this section or by order of a court. Any agency and/or person who willfully
13 refuses to carry out the expungement of the records of conviction pursuant to § 12-1.3-2, or this
14 section or willfully releases or willfully allows access to records of conviction, knowing them to
15 have been expunged, shall be civilly liable.

16 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 allow a law enforcement agency to consider expunged records when issuing
- 2 a license or permit to carry a pistol or revolver.
- 3 This act would take effect upon passage.

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