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LC003144

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS

Introduced By: Representatives Cruz, J. Brien, Potter, Stewart, Kislak, Place, McEntee, Sanchez, Shanley, and Craven

Date Introduced: January 23, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-1.3-2 of the General Laws in Chapter 12-1.3 entitled

2 "Expungement of Criminal Records" is hereby amended to read as follows:

3 **12-1.3-2. Motion for expungement.**

4 (a) Any person who is a first offender may file a motion for the expungement of all records

5 and records of conviction for a felony or misdemeanor by filing a motion in the court in which the

6 conviction took place; provided, that no person who has been convicted of a crime of violence shall

7 have his or her records and records of conviction expunged; and provided, that all outstanding

8 court-imposed or court-related fees, fines, costs, assessments, charges, and/or any other monetary

9 obligations have been paid, unless such amounts are reduced or waived by order of the court.

10 (b) Notwithstanding § 12-1.3-1(3) ("first offender"), any person who has been convicted

11 of more than one misdemeanor, but fewer than six (6) misdemeanors, and has not been convicted

12 of a felony may file a motion for the expungement of any or all of those misdemeanors by filing a

13 motion in the court in which the convictions took place; provided that convictions for offenses

14 under chapter 29 of title 12, § 31-27-2 or § 31-27-2.1 are not eligible for and may not be expunged

15 under this subsection.

16 (c) Subject to subsection (a), a person may file a motion for the expungement of records

17 relating to a misdemeanor conviction after ~~five (5)~~ three (3) years from the date of the completion

18 of his or her sentence.

19 (d) Subject to subsection (a), a person may file a motion for the expungement of records

1 relating to a felony conviction after ~~ten (10)~~ five (5) years from the date of the completion of his or
2 her sentence.

3 (e) Subject to § 12-19-19(c), and without regard to subsections (a) through (c) of this
4 section, a person may file a motion for the expungement of records relating to a deferred sentence
5 upon its completion, after which the court will hold a hearing on the motion.

6 (f) Subject to subsection (b) of this section, a person may file a motion for the expungement
7 of records relating to misdemeanor convictions after ~~ten (10)~~ five (5) years from the date of the
8 completion of their last sentence.

9 (g) Notwithstanding the provisions of subsections (a) through (f) of this section, a person
10 may file a motion for the expungement of records related to an offense that has been decriminalized
11 subsequent to the date of their conviction, after which the court will hold a hearing on the motion
12 in the court in which the original conviction took place.

13 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 reduce the time for expungements to three (3) years for a single
- 2 misdemeanor and five (5) years for felonies and multiple misdemeanors.
- 3 This act would take effect upon passage.

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