

2026 -- H 7508

=====
LC004746
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS --
THE RHODE ISLAND CLEAN SLATE ACT

Introduced By: Representatives Casimiro, Fogarty, McGaw, Tanzi, Boylan, Cortvriend,
Kislak, J. Lombardi, Alzate, and Stewart

Date Introduced: February 04, 2026

Referred To: House 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) "Administrative office of state courts" or "AOSC" means the administrative arm of the
6 Rhode Island unified judicial system designed by the supreme court to manage statewide judicial
7 administration and court technology.

8 (2) "Central repository" means the statewide electronic criminal history repository
9 maintained under the authority of the department of attorney general.

10 ~~(3)~~(3) "Crime of violence" includes murder, manslaughter, first-degree arson, kidnapping
11 with intent to extort, robbery, larceny from the person, first-degree sexual assault, second-degree
12 sexual assault, first- and second-degree child molestation, assault with intent to murder, assault
13 with intent to rob, assault with intent to commit first-degree sexual assault, burglary, and entering
14 a dwelling house with intent to commit murder, robbery, sexual assault, or larceny.

15 ~~(2)~~(4) "Expungement of records and records of conviction" means the sealing and retention
16 of all records of a conviction and/or probation and the removal from active files of all records and
17 information relating to conviction and/or probation.

18 ~~(3)~~(5) "First offender" means a person who has been convicted of a felony offense or a

1 misdemeanor offense, and who has not been previously convicted of or placed on probation for a
2 felony or a misdemeanor and against whom there is no criminal proceeding pending in any court.

3 ~~(4)~~(6) "Law enforcement agency" means a state police organization of this or any other
4 state; the enforcement division of the department of environmental management; the office of the
5 state fire marshal; the capitol police; a law enforcement agency of the federal government; and any
6 agency, department, or bureau of the United States government that has as one of its functions the
7 gathering of intelligence data.

8 ~~(5)~~(7) "Misdemeanor" includes, but is not limited to, those crimes previously classified as
9 felonies under law at the time the original sentence was imposed but reclassified by the general
10 assembly as a misdemeanor in the interim, prior to the time the motion to expunge is brought.

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

18 (9) "Sentence completion date" means the date that, based upon the disposition date and
19 the sentence specified in the records, the person appears to have completed their sentence including
20 any probation, mandatory supervision, post release community supervision, and parole.

21 SECTION 2. Chapter 12-1.3 of the General Laws entitled "Expungement of Criminal
22 Records" is hereby amended by adding thereto the following section:

23 **12-1.3-6. Automated expungement of criminal records.**

24 (a) Notwithstanding any other provision of this section, and cumulative with any rights to
25 expungement or sealing of criminal records, this subsection authorizes the automatic expungement
26 of eligible conviction records by operation of law, initiated and completed by state agencies through
27 electronic processes without requiring an individual to file a petition, pay a fee, or otherwise take
28 affirmative action. Nothing in this section precludes an individual from filing a petition for
29 expungement of records for eligible records not automatically expunged under this section. All
30 rights and provisions described in § 12-1.3-4 of this section shall apply to records automatically
31 expunged under this subsection.

32 (b) A person is eligible to have their record automatically expunged pursuant to this section
33 if:

34 (1) The person has been convicted of a misdemeanor offense, and has not been previously

1 convicted of or placed on probation for a felony or a misdemeanor in the State of Rhode Island.

2 (2) The person has been convicted of a misdemeanor offense under chapter 29 of title 12,
3 § 31-27-2 and sentenced under § 31-27-2(d)(1)(i) - (iii); provided that, the person has not been
4 convicted of or placed on probation for a prior or subsequent conviction under chapter 29 of title
5 12, or § 31-27-2.

6 (3) The person has been convicted of a felony offense, and has not been previously
7 convicted of or placed on probation for a felony in the State of Rhode Island.

8 (4) The person has been convicted of more than one misdemeanor, but fewer than six (6)
9 misdemeanors, and has not been convicted of a felony in the State of Rhode Island; provided that,
10 convictions for offenses under chapter 29 of title 12, § 31-27-2 or § 31-27-2.1 are not eligible for
11 and may not be automatically expunged under this subsection.

12 (5) The person has paid all outstanding court-imposed or court-related fees, fines, costs,
13 assessments, charges, and/or any other monetary obligations associated with the eligible record.

14 (6) Subject to subsections (b)(1) and (b)(2) of this section, the person has not been
15 convicted of any misdemeanor or felony in the State of Rhode Island in the five (5) years following
16 their sentence completion date and against whom there is no criminal proceeding pending in any
17 Rhode Island court; provided that, if a charge is pending, and if the AOSC is otherwise unable to
18 electronically determine disposition status, misdemeanor charges shall not be considered pending
19 if one year has elapsed since the filing of charges and felony charges shall not be considered
20 pending if seven (7) years have elapsed since the filing of charges.

21 (7) Subject to subsections (b)(3) and (b)(4) of this section, the person has not been
22 convicted of any misdemeanor or felony offenses in the State of Rhode Island in the ten (10) years
23 following the sentence completion date of the most recent eligible record and against whom there
24 is no criminal proceeding pending in any Rhode Island court; provided that, if a charge is pending,
25 and if the AOSC is otherwise unable to electronically determine disposition status, misdemeanor
26 charges shall not be considered pending if one year has elapsed since the filing of charges and
27 felony charges shall not be considered pending if seven (7) years have elapsed since the filing of
28 charges.

29 (c) Notwithstanding subsection (b) of this section, convictions for offenses defined as
30 violent offenses in this chapter are not eligible for automatic expungement.

31 (d) For purposes of this section, if multiple offenses were charged as counts in the same
32 case, all such offenses shall count as only the highest level offense in that case; provided that, none
33 of those offenses constitute a violent offense as defined in this section.

34 (e) All electronic records in the statewide court case management system that become

1 eligible for automated expungement either upon the effective date of this legislation or between the
2 effective date and August 28, 2029, shall be identified and expunged before January 1, 2030, in a
3 cadence to be determined by the AOSC.

4 (f) Commencing two (2) years from the effective date of this section, the AOSC shall, on
5 at least a monthly basis, use the electronic records in the central court database to:

6 (1) Identify all new dispositions that have become eligible for automated expungement
7 since any prior record identification under this section; and

8 (2) Reevaluate records that were previously ineligible but have become eligible due to the
9 passage of time or other changes in status.

10 (g) The AOSC shall compile, in an electronic format, a list of all records determined to be
11 eligible under subsection (t) of this section, organized by court (superior court or district court) and
12 by case number. For each monthly determination of eligible records, the AOSC shall transmit, or
13 otherwise make available by secure electronic means, the relevant portions of that list and any
14 supporting data necessary to identify the cases and counts to the clerk of the superior court for
15 superior court cases; and the clerk of the district court for district court cases; provided that,
16 transmission under this subsection may consist of direct updates to a shared case management
17 system, the provision of structured data files, or any other secure electronic mechanism agreed upon
18 by the AOSC and the recipient courts.

19 (h) Within one month after receiving the eligible record lists transmitted under subsection
20 (g) of this section, the superior court and the district court, as applicable, shall create the appropriate
21 orders necessary to implement automated expungement for the enumerated records; provided that,
22 the courts may create such orders in omnibus form and may identify covered persons, cases, or
23 counts by reference to electronic attachments, spreadsheets, lists, or other tabular formats generated
24 by the AOSC.

25 (i) For superior court cases, the presiding judge of the superior court, or a judicial officer
26 designated by the presiding justice, shall review and enter the omnibus orders created under
27 subsection (h) of this section, and for district court cases, the chief judge of the district court, or a
28 judicial officer designated by the chief judge, shall review and enter the omnibus orders created
29 under subsection (h) of this section within one month of receipt of eligible records under subsection
30 (h) of this section.

31 (j) Entry of omnibus orders under this section shall occur within ten (10) days of the
32 creation of the orders pursuant to subsection (h) of this section, unless the presiding justice or chief
33 judge certifies in writing that additional time is necessary due to extraordinary operational
34 constraints; provided, however, in no event shall entry be delayed beyond thirty (30) days after

1 receipt of the eligible record lists transmitted under subsection (t) of this section.

2 (k) Upon entry of the omnibus orders under subsection (g) of this section, the superior court
3 and the district court shall promptly record those orders in the central court database.

4 (l) Within ten (10) days of the entry of any omnibus orders, the superior court and the
5 district court shall transmit, or otherwise make available by secure electronic means, copies of such
6 omnibus orders, including any electronic attachments or lists, to the AOSC; provided that, the
7 AOSC may satisfy this requirement by retrieving the orders and associated data directly from the
8 central court database.

9 (m) Upon receipt of any omnibus orders under subsection (i) of this section, the AOSC
10 shall, within ten (10) days of receipt, make all necessary bulk updates to the electronic records in
11 the central court database to:

12 (1) Reflect that the affected records have been expunged by operation of law; and
13 (2) Ensure that the affected records cannot be accessed by the public through any electronic
14 public-facing access points operated or controlled by the judiciary, including online docket search
15 portals.

16 (n) Neither the courts nor the AOSC shall be required to proactively segregate, redact, or
17 physically alter paper court files for the sole purpose of complying with automated expungement
18 obligations under this chapter if doing so would be unduly burdensome, as long as such records are
19 not made available to the public.

20 (o) Upon receipt of the omnibus orders and associated record lists from the AOSC, the
21 department of attorney general shall, within one month:

22 (1) Remove from public inspection all applicable electronic records in the central
23 repository that correspond to the expunged court records; provided that, nothing in this subsection
24 shall be construed to require the department to perform a separate eligibility determination and the
25 department may rely upon the court orders and notifications transmitted pursuant to this subsection;
26 and

27 (2) Implement or update any internal electronic flags or access controls necessary to
28 prevent public dissemination of those records through background checks or other public-facing
29 products generated from the central repository.

30 (p) The department of attorney general shall adopt rules, regulations, and internal policies
31 as necessary to prevent public disclosure of any electronic or physical record in the central
32 repository that has been subjected to automated expungement under this chapter.

33 (q) State and local police departments, or other law enforcement agencies, are not required
34 to alter their records in response to an expungement order under this section; provided that, if any

1 state or local police department or other law enforcement agency receives a request to disclose
2 arrest or conviction records covered by this section, that agency shall first verify with the
3 department of attorney general whether the records have been subjected to automated
4 expungement, and, if the department of attorney general confirms that a requested record has been
5 subjected to automated expungement, the police department or other law enforcement agency shall
6 not disclose the record to the requesting party, except as otherwise authorized by law for access to
7 expunged records.

8 (r) Any records already expunged or sealed pursuant to §§ 12-1-12, 12-1-12.1, 12-1.3-5,
9 12-10-12, or any other existing authority shall be treated as expunged or sealed for purposes of this
10 section and need not be reprocessed under the automated workflow, except to the extent necessary
11 to ensure consistency of electronic records in the central court database and the central repository.

12 (s) The supreme court, through the AOSC, and the department of attorney general shall
13 adopt such rules and regulations as are necessary to implement this section including, but not
14 limited to, technical specifications for electronic data exchange, standards for matching records,
15 and procedures to address incomplete or inconsistent data.

16 (t) Upon the entry of an automated expungement order under subsection (m) of this section:

17 (1) The person who is the subject of the expunged record may truthfully state, for any
18 purpose including, but not limited, to applications for employment, housing, credit, or licensure,
19 that they have never been arrested, charged, or convicted of the crime that was the subject of the
20 expunged record; and

21 (2) No person, agency, or entity shall inquire into or require the disclosure of the existence
22 of the expunged record, except if federal law, including rules and regulations promulgated by a
23 self-regulatory organization that has been created under federal law, requires the consideration of
24 an applicant's sealed and/or expunged criminal history.

25 (u) The AOSC and the department of attorney general shall jointly submit annual public
26 reports for at least the first five (5) years after the effective date of this section, and thereafter upon
27 request of the general assembly, including:

28 (1) The total number of records identified as eligible in each backlog and monthly run;

29 (2) The total number of records expunged in the courts and removed from public inspection
30 in the central repository; and

31 (3) Any significant implementation challenges and steps taken to resolve them; provided
32 that, reporting under this subsection shall not include personally identifiable information but may
33 include aggregate demographic information, consistent with applicable law, to evaluate the
34 equitable impact of automated expungement.

1 SECTION 3. This act shall take effect upon passage.

=====
LC004746
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS --
THE RHODE ISLAND CLEAN SLATE ACT

1 This act would authorize the automatic expungement of eligible conviction records by
2 operation of law, initiated and completed by state agencies through electronic processes established
3 within the judicial system.

4 This act would take effect upon passage.

=====
LC004746
=====