

2024 -- H 7053

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LC003370
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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: Representatives Knight, Speakman, Dawson, Batista, Craven, McEntee,
Ajello, Felix, Cruz, and Caldwell

Date Introduced: January 05, 2024

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) years from the date of the completion of his or
18 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) years from the date of the completion of his or her
2 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) years from the date of the completion
8 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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RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS

1 This act would permit those persons with felony convictions to have up to six (6)
2 misdemeanor offenses expunged from their criminal record.

3 This act would take effect upon passage.

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