

2022 -- S 2904

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS

Introduced By: Senators Archambault, Burke, F Lombardi, Coyne, Ruggerio, Euer, and
Rogers

Date Introduced: April 26, 2022

Referred To: Senate 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 unless the felony was punishable by ten (10) years or less and did not constitute a sex
3 registration offense as defined by § 11-37.1-3, a felony crime of domestic violence as defined by §
4 12-29-2(a), or a firearms offense contained within chapter 47 of title 11. In such cases, a motion of
5 expungement of records may be filed five (5) years from the completion of his or her sentence.

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

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

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

16 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 allow persons convicted of a felony punishable by ten (10) years or less to
2 file a motion for expungement five (5) years from the completion of his or her sentence except for
3 sex registration, domestic violence or weapons felony offense convictions.

4 This act would take effect upon passage.

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