

## Ariana Costa

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**From:** Paul Larkin <plarkin@gmail.com>  
**Sent:** Tuesday, March 25, 2025 7:12 AM  
**To:** House Judiciary Committee  
**Subject:** Opposition to HB 5889

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To the Honorable Members of the Rhode Island Judiciary Committee,

I am writing to express my strong opposition to HB 5889 – Expungement of Criminal Records – Consideration in Firearm Licensing, which would permit law enforcement agencies to consider expunged criminal records when evaluating applications for licenses or permits to carry a pistol or revolver. This proposal undermines the fundamental purpose of expungement, erodes the rights of law-abiding Rhode Islanders, and introduces unnecessary ambiguity into an already well-defined firearms licensing process. I urge you to reject this bill and preserve the integrity of our state’s legal framework.

Expungement exists for a reason: to give individuals who have paid their debt to society a fair chance to move forward without the perpetual burden of a past mistake. Under Rhode Island law (R.I.G.L. § 12-1.3-1 et seq.), expungement seals records of certain offenses after individuals demonstrate rehabilitation, often over years of good conduct. Once expunged, these records are legally treated as if the offense never occurred—a principle upheld by courts and legislatures to promote reintegration and reduce recidivism. HB 5889 directly contradicts this by allowing law enforcement to resurrect expunged records in firearm licensing decisions, effectively punishing individuals twice for the same offense and nullifying the rehabilitative intent of expungement.

Rhode Island’s current firearm licensing system, governed by R.I.G.L. § 11-47-11 and § 11-47-18, already provides robust safeguards to ensure public safety. Local authorities and the Attorney General thoroughly vet applicants, reviewing active criminal histories, mental health records, and other relevant factors. Expunged records, by definition, pertain to cases where the individual has met stringent criteria for sealing—often involving non-violent offenses or first-time mistakes followed by years of law-abiding behavior. If these individuals were deemed a risk to public safety, their records would not have been expunged in the first place. Allowing law enforcement to consider such records introduces an arbitrary and subjective element into a process that should rely on clear, consistent standards.

Moreover, this bill risks creating unequal treatment under the law. An expunged record does not negate a person’s constitutional rights, including those under the Second Amendment. Denying or complicating a firearm permit based on a sealed past—while others with no record face no such scrutiny—creates a tiered system that penalizes those who have already fulfilled their legal obligations. Rhode Island’s low gun violence rates, among the best in the nation, demonstrate that our existing licensing process works without resorting to such measures. There is no evidence that individuals with expunged records pose a unique threat when seeking firearm permits, and HB 5889 offers no data to justify this departure from current practice.

Rather than enhancing safety, this bill would sow confusion and erode trust in our justice system. Law enforcement agencies might interpret “consideration” differently, leading to inconsistent application across jurisdictions—some denying permits outright, others ignoring expunged records entirely. Applicants, meanwhile, would face uncertainty about how a long-sealed past might resurface, discouraging them from exercising their rights or trusting in the expungement process.

I respectfully urge the Judiciary Committee to vote NO on HB 5889. Let us uphold the principle that expungement means a fresh start—not a hidden asterisk—and maintain a firearm licensing system that is fair, transparent, and grounded in current, relevant information. Thank you for your consideration of this critical issue.

Sincerely,

Paul Larkin

Richmond, RI