

**Are expungement Laws in Rhode Island too restrictive and pose an ethical barrier to
productive citizen participation?**

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Are expungement Laws too restrictive and pose an ethical barrier to productive citizen participation?

Expungement is a legislative grace available to First-time nonviolent felony offenders with limited circumstances, including multiple misdemeanor convictions. However, Rhode Island Provides this grace to atone for its over-incarceration of its minority population. The ethical question remains whether it goes far enough.

Currently, Rhode Island state Laws provide a pathway to expungement for one felony conviction and up to six misdemeanors.

The inability of individuals with multiple felony convictions to expunge their records is a pressing ethical issue in the criminal justice system. Many states have no expungement laws, but others impose strict limitations on expungement, often allowing it only for first-time offenders. This policy disproportionately affects individuals who have rehabilitated but remain burdened by past mistakes, limiting their access to employment, housing, and other opportunities necessary for reintegration into society.

Twelve states have adopted the Clean State Initiative. This legislation allows for people to wipe their record/slate clean. Rhode Island is in the first circuit court. I mention this because currently Connecticut has passed this legislation and they are also in the first circuit.

Scope and Impact of Expungement Restrictions

Number of People Affected

According to the Sentencing Project (2022), approximately 19 million Americans have felony convictions, and a significant portion of them have more than one felony. Many of these

individuals committed nonviolent offenses or crimes linked to substance use disorders, yet they are permanently barred from clearing their records.

According to the (Prison Policy Institute), Rhode Island has an incarceration rate of 254 per 100,000 residents; Rhode Island locks up a higher percentage of its people than almost any democratic country on earth. The data also shows that in Rhode Island, there are 2500 people incarcerated and 18,440 people on probation or parole. The Rhode Island parole board has released 83% fewer people and held 15% fewer hearings since the pandemic started.

Financial and Social Consequences

- The inability to expunge a record reduces earning potential by up to 40% due to employment discrimination (Pager, 2020).
- Parents with criminal records tend to have lower earning potential and are more likely to be caught in a cycle of debt, be less educated, experience housing insecurity, and have fewer family relationships. (1)
- Recidivism rates decrease significantly when individuals can secure stable employment, yet restrictive expungement laws keep all from achieving financial independence.

Ethical Concerns

- **Permanent Punishment:** Expungement laws are meant to offer a second chance, but individuals with multiple felonies are often denied this opportunity, creating a lifelong sentence beyond incarceration.
- **Disproportionate Impact on Marginalized Communities:** Black and Latino individuals are convicted of felonies at higher rates, meaning they are disproportionately affected by expungement restrictions (Sentencing Project, 2022).

- Lack of Individualized Consideration: Many laws treat all felony convictions equally, failing to account for personal growth, rehabilitation, or the nature of the offenses.

Why This Dilemma Matters to Me as a Leader and Change Maker

I chose this ethical dilemma because of my commitment to criminal justice reform and advocacy for expungement laws. Currently, I have two drug charges that are nonviolent felonies. I believe a person's mistakes should not define them forever, especially when they have demonstrated rehabilitation. Restrictive expungement laws contradict the idea of rehabilitation and create unnecessary barriers to success. Addressing this issue aligns with my work supporting legislative efforts to expand expungement eligibility.

Discussion, Solution, and Reflection

Identifying the Dilemma

The ethical dilemma of expungement in Rhode Island, looking through the justice lense is based on time and felony singularity: The act of expungement is an act of legislation passed in an effort for the Rhode Island government to address the public's concerns of decency and provide a second chance to individuals who have been convicted of crimes considered nonviolent or misdemeanors. The act sets an arbitrary period of 10 years upon completion of one felony conviction or 5 years for misdemeanors (in some instances multiple misdemeanors). It is not a constitutional right. The current state of this legislation has picked an arbitrary period that should be reconsidered for some of the following reasons:

1. An individual who is convicted of a non violent crime can face in many instances more then 10 years. Assuming the individual is 20 years old at time of conviction would be thirty years old

before he or she completes her sentence. Next they have to wait 10 more years before being eligible for expungement. Now the individual is 40 years old. This is true with a suspended or probation sentence. This individual has been denied the ability to be the most productive member for twenty years. In states that actively use pardons, there is a possibility for a different outcome. Rhode Island does not do this. The last person that was pardoned was 150 years deceased. And the courts do not have any discretion. Instead the courts are more of a gatekeeper to make sure the individual looking for expungement has met all the criteria for expungement.

In Rhode Island you can only expunge a felony Should individuals with multiple felony convictions or misdemeanors have the right to expunge their records after demonstrating rehabilitation?

The “good” choice allows case-by-case consideration for expungement, recognizing personal growth. The “bad” option is to maintain the current restrictive laws, which continue to punish individuals long after serving their sentences. Then also has individuals wait another 10 years after the completion of sentence to even be eligible for expungement.

This decision affects multiple groups:

- Individual : with felony records who face barriers to employment, housing, and full participation in society.
- Employers and landlords often use background checks to screen candidates but may deny opportunities unfairly.
- The justice system must balance public safety with fairness in reintegration policies.

Scattered Power and Stakeholders

Restrictive expungement laws place power in lawmakers' hands, who decide who gets a second chance without judicial discretion. The key stakeholders include:

- State legislators: They determine expungement eligibility and often face pressure from tough-on-crime advocates.
- Employers and landlords: Many refuse to hire or rent to individuals with felony records, reinforcing systemic barriers.
- The formerly incarcerated: They are directly impacted by expungement restrictions, struggling to rebuild their lives.
- Society at large: Communities suffer when people remain unemployed or homeless due to barriers created by criminal records.

The current system favors punishment over rehabilitation, failing to acknowledge that many individuals with multiple felonies committed their offenses under challenging circumstances, such as poverty, addiction, and or mental health. *The current restrictive law allows for expungement 10 years after completion of the entire sentence. Which bars people in their most productive years of life.*

Justification of My Decision

Working alongside the community and State legislators to change expungement barriers, I am supporting and organizing around House Bill Number H 5178 (2). Introduced January 31, 2025 sponsored by John J Lombardi and its many Co Sponsors. This bill will argue for expanding expungement eligibility for individuals with multiple nonviolent felony convictions based on 10 years of completion of the last sentence. Another bill that I am working on with Rep Cruz will be

introducing a bill to give judicial discretion and to conceptualize the individual's circumstances by allowing the judge to have authority instead of being a gatekeeper of the law. This change would allow me and many others to be a more productive member of society.

Key Arguments for Reform

1. Rehabilitation Should Be Recognized

The justice system claims to support rehabilitation, yet restrictive expungement laws contradict this goal. If a person has remained crime-free, obtained employment, or contributed positively to society, they should not be defined forever by past mistakes.

2. Reducing Barriers Improves Public Safety

Studies show that stable employment significantly reduces recidivism. If individuals with felony records can expunge their past offenses not ten years after completing their sentence, they are more likely to gain employment and housing, reducing the likelihood of reoffending.

3. A One-Size-Fits-All Approach is Unjust

Not all felony convictions are the same. Someone with two nonviolent drug offenses should not face the same lifelong barriers as a violent repeat offender. Expungement decisions should be made case-by-case, considering rehabilitation, no police contact, current behavior, being employed or attending a university . If all states would enact the Clean State Initiative, many individuals would have access to complete felony expungement (3).

Reflection on the Decision-Making Process

I considered the ethical balance between justice, public safety, and rehabilitation throughout this process. As I reflect on this work I wrote through a justice lens and the Utilitarian Lens

Because this will affect everyone beyond people that are applying for expungements this paper
One of the biggest challenges was recognizing that some policymakers fear that expanding
expungement laws could allow individuals with violent criminal histories to erase their past.
However, the solution is not blanket restrictions but individualized evaluations.

Before taking this class, I may not have fully understood the systemic impact of restrictive
expungement laws. Now, I see how they reinforce poverty, discrimination, and recidivism. This
class has given me the tools to analyze ethical dilemmas critically and advocate for policies that
align with justice, fairness, and public safety.

As I continue my advocacy work, I will use these lessons and research to push for reforms that
support second chances and reintegration rather than permanent punishment. The criminal
justice system should not just be penalized; it should rehabilitate and restore.

From this course and this project I have identified another way to help individuals like myself
find a pathway to expungement. I have learned what the ethical drivers are and what ethical
lenses I can look from to understand, solve, and debate important issues.

Endnotes

1. <https://www.americanprogress.org/article/removing-barriers-to-opportunity-for-parents-with-criminal-records-and-their-children/>

2. <https://www.cleanslateinitiative.org/states>

3. [Rhode_Island-2025-H5262-Introduced.pdf](#)

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