



State of Rhode Island COMMISSION FOR HUMAN RIGHTS

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WRITTEN TESTIMONY OF THE RHODE ISLAND COMMISSION FOR HUMAN RIGHTS

BILL NO.: 2025 H 5072
BILL TITLE: An Act Relating to Criminal Procedure – Expungement of Criminal Records
PRIMARY SPONSOR: Representative Jason Knight
COMMITTEE: House Judiciary
HEARING DATE: 4/1/25

BILL NO.: 2025 H 5178
BILL TITLE: An Act Relating to Criminal Procedure – Expungement of Criminal Records
PRIMARY SPONSOR: Representative John Jospeh Lombardi
COMMITTEE: House Judiciary
HEARING DATE: 4/1/25

BILL NO.: 2025 H 5441
BILL TITLE: An Act Relating to Criminal Procedure – Expungement of Criminal Records
PRIMARY SPONSOR: Representative Cherie Cruz
COMMITTEE: House Judiciary
HEARING DATE: 4/1/25

BILL NO.: 2025 H 5647
BILL TITLE: An Act Relating to Criminal Procedure – Expungement of Criminal Records
PRIMARY SPONSOR: Representative Cherie Cruz
COMMITTEE: House Judiciary
HEARING DATE: 4/1/25

*The Rhode Island Commission for Human Rights (“Commission”) **supports** this bill.*

The Commission is the state’s primary antidiscrimination law enforcement agency charged with investigating allegations of discrimination in employment, housing, public accommodations, credit and delivery of services. Among the laws over which the Commission has jurisdiction are Title 28, Chapter 5 of the General Laws of Rhode Island, the Fair Employment Practices Act, and Title 34, Chapter 37 of the General Laws of Rhode Island, the Fair Housing Practices Act.

H 5072 provides that persons with up to six misdemeanor convictions who also have a felony conviction, with certain exceptions, may apply for expungement of records related to the misdemeanor convictions five years after completion of their last sentence.

H 5178 would allow people with multiple felony convictions, with certain exceptions, to file a motion for expungement of all records and records of convictions ten (10) years from the date of the completion of their last sentence.

H 5441 would reduce the time for expungements to three (3) years for a single misdemeanor and five (5) years for felonies and multiple misdemeanors.

H 5647 would permit individuals convicted of multiple felonies and misdemeanors to have their records expunged and provide criteria for the court to consider in determining whether the person is of good moral character.

The Commission receives numerous calls each year from individuals who maintain that they have been barred from employment and/or housing opportunities because of their criminal record. This bill seeks to remove this barrier for some such individuals. The availability of expungement and the sealing of records, the Commission believes, is an effective tool to ensure that these individuals are afforded equal consideration in the job and housing markets. Of particular relevance to the Commission's support of this bill is the well-documented racial disparity in arrests and convictions. A 2015 *Providence Journal* article cited Rhode Island Department of Corrections statistics as follows: "In Rhode Island, Department of Corrections figures show that black, Hispanic and Asian men make up roughly 58 percent of the prison population and 41 percent of those on parole or probation. They make up 24.3 percent of the state's population overall."¹ In addition, the "criminal record penalty" adversely affects blacks more than whites.²

More recent studies have shown that people with criminal records face discrimination: 9 in 10 employers, 4 in 5 landlords, and 3 in 5 colleges and universities use background checks in

¹ *Providence Journal*, October 11, 2015, "Color of Justice in Rhode Island".

² See Footnote 55 in the U.S. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964, Guidance No. 915.002, http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm, which issued in 2012. The EEOC Guidance references a study using testers which found that the "criminal record penalty" was twice as high for black applicants as for white applicants.

hiring decisions.³ The impact of this discrimination leads to higher rates of homelessness and unemployment. Another study shows that removing the stigma of a criminal record can make it easier for past offenders to work and pay taxes, thus benefiting the community as a whole.⁴ This bill would make it easier for eligible offenders to obtain a clean record and get jobs and housing, making it less likely that they would re-offend.

To permit individuals to be stigmatized and penalized for infractions years after completing their sentences is at odds with Rhode Island's long and honorable history of promoting equality and ensuring that all Rhode Islanders can work and live in a nondiscriminatory environment.

For these reasons, the Commission urges passage of these bills.

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³ Center for American Progress, *Criminal Records Create Cycles of Multigenerational Poverty*, April 15, 2020 available at <https://www.americanprogress.org/issues/poverty/news/2020/04/15/483248/criminal-records-create-cycles-multigenerational-poverty/>.

⁴ *Stanford News*, March 20, 2014, (referencing Chapin, Meyli, et. al., "A Cost-Benefit Analysis of Criminal Record Expungement in Santa Clara County." Stanford Public Policy Publication, 2014).