

# The Just Criminal Justice Group, LLC



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## TESTIMONY CONCERNING 2026—H 7079

Affording additional expungement opportunities to individuals who have paid their debt to society as this legislation does, especially when previously convicted of multiple felonies, is an extraordinarily important and positive development. And requiring additional criteria and procedures for those seeking this relief, as the substantive portions of this legislation do, is entirely legitimate, appropriate, and necessary. After all, under Rhode Island law, felonies are serious matters that deserve further and more detailed consideration of whether or not the applicant is deserving. The language at p.5, lines 11-18 does just that. The problem is that these new criteria and procedures are applicable to all types of expungement and not just those created by the substantive portions of this legislation.

I believe adding these new criteria and procedures to all expungement cases and not just the new one created by this legislation involving individuals with multiple felonies will result in the following unintended consequences:

- These newly created criteria and procedures will delay court hearings and decisions in all expungement cases while serving as a disincentive to file expungement motions in the first place.
- These new criteria and procedures will result in additional and more complex litigation requiring additional time and resources before courts can act in all expungement cases thereby delaying access to relief for deserving individuals.
- Many individuals filing motions for expungement, especially misdemeanors in the District Court, do so pro se. Adding criteria and procedures in all expungement cases will require that the defendant retain counsel, either retained by the moving party, or by the already overworked members of the public defender's office, or counsel appointed and paid by the court.

The Senate, taking into account these and other concerns, passed an amended version of the legislation, which in its original form was identical to the legislation under consideration here. I would therefore respectfully suggest that the committee consider a Substitute 'A' like that recently passed by the Senate in the form of 2026—S 3036, Substitute 'A'.

<https://webserver.rilegislature.gov/BillText/BillText26/SenateText26/S3036A.pdf>

Thank you for this opportunity to express my thoughts in this important matter. Please feel free to contact me at anytime with any thoughts, questions, or concerns that you may have.

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