

OFFICE OF THE PUBLIC DEFENDER

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April 2, 2026

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bills 7508 and 7555

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE—EXPUNGEMENT OF CRIMINAL RECORDS (THE R.I. CLEAN SLATE ACT) and

ENTITLED, AN ACT RELATED TO CRIMINAL PROCEDURE—IDENTIFICATION AND APPREHENSION OF CRIMINALS

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **supports** House Bills 7508 and 7555, both of which provide for the automated sealing or expungement for those who are eligible. Together, these bills would: 1) administratively seal individual criminal counts that have been dismissed in the District Court upon the defendant's request (H7555), and automatically expunge eligible conviction records by operation of law (H7508).

Our support of this legislation is based on research demonstrating that there are significant administrative and financial barriers that prevent deserving people from getting their record expunged—and thereby setting them back from the increased education, housing, and employment opportunities that come with a clean record. To many of us, the barriers seem surmountable, but this is simply not true for those with fewer resources or minimal contacts with/knowledge about the justice system. Despite increased efforts by our office and community partners, research shows that not all those who are eligible to benefit from sealing and expungement laws exercise their rights.¹ This “uptake gap” potentially arises whenever challenges are present such as fees, administrative requirements, or difficulty in learning about the right or opportunity.²

By providing administrative solutions to this “uptake gap,” these proposed bills streamline the process, ensuring that individuals are not unfairly burdened by the lingering effects of charges that have been dismissed or are eligible for expungement.³ This approach recognizes the right of

¹ See J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 HARV. L. REV. 2460, 2486-87 (2020).

² *Id.*

³ Although the defendant would have to request the sealing of individual counts under H7555, this request could be made in court when the counts were dismissed, which would dramatically reduce the “uptake gap.”

individuals to move forward with their lives without the unnecessary and enduring consequences of a criminal record.

Sincerely,

/s/ Angela M. Yingling

Angela M. Yingling

Legislative Liaison

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