



STATE OF RHODE ISLAND JUDICIARY

SUPREME COURT  
OFFICE OF GENERAL COUNSEL

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**Via Electronic Mail ([HouseJudiciary@rilegislature.gov](mailto:HouseJudiciary@rilegislature.gov))**

Chair Carol Hagan McEntee  
House Committee on Judiciary  
Rhode Island State House  
House Lounge  
Providence, Rhode Island 02903

**RE: House Bill No. 7508: An Act Relating to Courts and Civil Procedure – Expungement of Criminal Records – The Rhode Island Clean Slate Act**

Dear Chair Hagan McEntee:

I write on behalf of the Rhode Island Judiciary to express the Judiciary's concerns regarding House Bill No. 7508, scheduled to be heard this evening before the House Committee on Judiciary. If enacted, this bill would amend R.I. Gen Laws §§ 12-1.3-1 and 12-1.3-6 in ways creating a severe financial and technological burden on the Judiciary. This legislation would necessitate additional funding for the required technological developments and FTEs needed to accomplish the tasks required, thereby making the proposed legislation financially impossible for the Judiciary without increased funding and multiple FTEs.

By way of example, the legislation requires the creation of a “central repository” of statewide electronic criminal history information to facilitate ongoing, automatic expungements whenever the statutory conditions are met. Currently, no such “central repository” exists. The newly created “central repository” would need to permit constant, ongoing communication between the Administrative Office of State Courts, the Rhode Island Department of Corrections (“RIDOC”), and the Office of Attorney General (“RIAG”) to allow for the statutorily-mandated expungement of certain records. Conservative estimated costs for just the Judiciary's portion of this interface are between \$150,000 to \$200,000, with a six (6) month to one (1) year minimum timeline to complete. It is currently unknown what funds and time would be needed for RIDOC and RIAG to complete their portion of the interface.

Additionally, the legislation requires that certain records be expunged whenever it “appears” a sentence is complete. This ambiguous requirement raises a myriad of concerns. First, the Judiciary is not currently apprised when an offender's sentence is complete. Records concerning sentence completion are maintained by RIDOC; hence, RIDOC would need to manually provide this information to the Judiciary or create an interface so the data can be sent

electronically. As sentence completion is a DOC function, this information is not stored in our case management system (“CMS”) and there are no fields in the CMS to store this information, so a new database for the Judiciary would need to be created. Second, the Judiciary would need to manually review each record at issue to see if the record should be expunged under this legislation. This would take additional FTEs and funding to accomplish this task. This issue is further complicated by the fact that the same offender could have multiple names in the Judiciary’s records. For example, Donald Smith (this is purely an example) could be the name of an offender. That same offender could also use the name Don Smith and/or Donny Smith, which would lead to duplicate records for the same individual. Although, each offender eventually has a BCI number, first time offenders are assigned a dummy BCI to create the case in the CMS until a permanent number is assigned by the DOC. This further adds to the party identification problems. The Judiciary does not track offenders by distinct identifiers like Social Security numbers. Thus, to ensure that Donald Smith and Don/Donny Smith are, in fact, the same individual and entitled to an expungement, a manual review of several case files would be needed.

None of the above review can be accomplished programmatically or electronically by the Judiciary. This is because there is no single, universal field or code in the CMS that could be entered to identify all the misdemeanors and felonies that could be subject to expungement under the parameters set forth in this legislation. Again, this would require additional FTEs and funding to accomplish this task. This legislation is unlike the expungement legislation concerning marijuana, which was limited in scope and the statute codes could easily be identified in the CMS to electronically program a list of cases that were potentially subject to be expunged. Although a program was created to identify all the cases which were subject to expungement, this process still required manual review of each case for the reasons stated above before the cases could be electronically expunged. The current legislation is not the same situation.

Further concerns are also raised by this legislation. For example, is the legislation prospective or retroactive? If retroactive, there would need to be a detailed review of all the hardcopy records stored in the Judicial Record Center, which again, would require additional funding and FTEs.

The legislation as written appears to assume the entire expungement process can be reduced to a simple, automatic process handled electronically with minimal input and effort. This is not the case. A few button presses on a keyboard cannot accomplish what this legislation seeks to do; rather, significant monetary and human investment including the design, creation, and implementation of a state-of-the-art, multi-agency, interface would be require. Even then, a manual review of each applicable criminal file would still be needed to comport with the legislation’s demands.

Thank you for the opportunity to express the Judiciary’s serious technological, staffing, and funding concerns for this bill.

Sincerely,

*Chrisanne Wyrzykowski*

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Rhode Island Supreme Court