

# OFFICE OF THE PUBLIC DEFENDER

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## **TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:**

**House Bill No. 7647**

**ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -  
- PROCEEDINGS IN FAMILY COURT -- JUVENILE RECORDS**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** H7647, which would allow the National Instant Criminal Background Check System (NICS) to access juvenile criminal records for the purpose of conducting background checks for firearm purchases. We understand the impetus behind the bill, but we submit that passage would come at the cost of violating Rhode Island's long-held policy of protecting juvenile records from release.

Indeed, Rhode Island has historically adhered to a strong public policy against the release of juvenile records for almost any purpose, with only very limited exceptions. This policy has been crafted with careful consideration of the unique characteristics of juvenile rehabilitation and the paramount importance of preserving the confidentiality of juvenile justice system involvement. The intent behind this policy is to provide young individuals with the opportunity to rehabilitate and reintegrate into society without the stigma and barriers that can result from the public disclosure of their juvenile records. Our Supreme Court reaffirmed this policy just two years ago in *In re C.R.*, 313 A.3d 370 (R.I. 2024) (forbidding the release of the record of a Family Court juvenile certification hearing for the purpose of related civil litigation in Superior Court).

Thus, our first concern is that this bill directly contradicts this longstanding policy by permitting the disclosure of juvenile records in conducting a NICS background check. Such a move not only undermines the principles of juvenile justice and rehabilitation but also risks stigmatizing and impeding the future prospects of young individuals who have been involved with the juvenile legal system. It is essential to recognize that juvenile mistakes and indiscretions should not permanently hinder an individual's ability to lead a productive and law-abiding life—along with the accompanying constitutional rights.

Furthermore, we are even more troubled by the lack of control that Rhode Island would have over the information after it is transmitted to the federal government. Once these records are in the possession of the NICS database, there is a significant risk that they could be used for purposes beyond the scope of this legislation. Given the sensitivity of juvenile records and the

potential for misuse or unintended consequences, it is imperative that Rhode Island retain full control and oversight over the possession and use of such information.

In conclusion, we urge the House Judiciary Committee to reconsider H7647.

Sincerely,

/s/ Angela M. Yingling

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Legislative Liaison

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