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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 7820

ENTITLED, AN ACT RELATING TO RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender supports House Bill 7820, which would allow a person to have their record expunged if forty years have passed since their last conviction and they have not been charged or convicted of a new offense in the intervening time. This bill recognizes that if a person can remain crime-free for over four decades, they can be considered well and truly rehabilitated and should be able to shake off the yoke of their formerly convicted status.

In 2018, the U.S. Department of Justice released a report studying the re-arrest rate of over 400,000 prisoners across thirty states.¹ This nine-year study examined people released in 2005 and discovered that only 4% of the people who had remained crime-free for six years post-release ended up offending over the next three years.² In other words, once someone passed the six-year mark without picking up a new conviction, they were extremely unlikely to offend again for at least the next three years.

As criminal rates dropped so significantly after six years of good behavior, it follows that forty years is more than enough to ensure that someone has truly reformed their ways. In addition, the bill exempts those who have committed the most violent crimes from relief, ensuring that convictions for crimes such as murder, first or second-degree sexual assault or child molestation, and the most serious assault charges will never be expunged.

However, we would add one caveat: the bill would disqualify someone from relief if they have been “convicted *or charged*” with any offense in the forty years. The “or charged” language

¹ Mariel Alper, Matthew Durose, and Joshua Markman, *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)* U.S. DEPT. OF JUSTICE: Special Report NCJ 250975 (May 2018), available at <https://bjs.ojp.gov/content/pub/pdf/18upr9yfup0514.pdf> (last accessed April 7, 2026).

² *Id.* at 5.

is problematic because it is possible for a completely innocent person to be charged with an offense. We would respectfully suggest that the “or charged” language be removed from the bill, in order to ensure that any alleged recidivism is indeed based in fact. With this minor tweak, the OPD supports this bill and the relief it could bring to those who have left their youthful indiscretions far, far behind them.

Sincerely,

/s/ Angela M. Yingling

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Legislative Liaison

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