

# OFFICE OF THE PUBLIC DEFENDER

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

Senate Bills No. 2127, 2618, and 2711

### ENTITLED, ACTS RELATING TO CRIMINAL PROCEDURE – IDENTIFICATION AND APPREHENSION OF CRIMINALS, AND AN ACT RELATED TO CRIMINAL PROCEDURE – EXPUNGEMENT OF CRIMINAL OFFENSES

Chairman LaMountain and Members of the Senate Judiciary Committee:

The Office of the Public Defender **supports** the passage of Senate Bills 2127, 2618, 2711, all 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 (S2127), 2) administratively seal individual counts of any criminal complaints dismissed pursuant to Rule 48(a) in the District Court (S2618) and 3) automatically expunge eligible conviction records by operation of law (S2711).

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 (such as Justice Assistance), research shows that not all those who are eligible to benefit from sealing and expungement laws exercise their rights.<sup>1</sup> This “uptake gap” potentially arises whenever challenges are present such as fees, administrative requirements, or difficulty in learning about the right or opportunity.<sup>2</sup>

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

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

<sup>2</sup> *Id.*

Sincerely,



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