



STATE OF RHODE ISLAND JUDICIARY

SUPREME COURT
OFFICE OF GENERAL COUNSEL

Licht Judicial Complex
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Providence, RI 02903

March 10, 2026

Via Electronic Mail (SenateJudiciary@rilegislature.gov)

Chairman Matthew LaMountain
Senate Committee on Judiciary
Rhode Island State House
Room 313
Providence, Rhode Island 02903

RE: Senate Bill #2983: An Act Relating to Criminal Procedure – Expungement of Criminal Records

Dear Chairman LaMountain:

I write on behalf of the Rhode Island Judiciary to respectfully express the Judiciary's concerns regarding Senate Bill #2983, scheduled to be heard this evening before the Senate Judiciary Committee.

The proposed legislation would permit an individual to move for the expungement of criminal records five years after the *imposition* of the sentence for misdemeanors and ten years after the *imposition* of the sentence for felonies; for felonies with a sentence greater than ten years, an individual could move for expungement upon completion of his or her sentence. Currently, R.I. Gen. Laws § 12-1.3-2 permits expungement five years after *completion* of the sentence for misdemeanors and ten years after *completion* of the sentence for felonies. Though the Judiciary takes no position on the policy of the bill, it seeks to illuminate potential logistical and implementation issues that may follow the passage of this bill.

Changing the time of eligibility to move for expungement from after *completion* of the sentence to after the *imposition* of the sentence may have the unintended consequence of individuals moving to have a conviction expunged without having successfully completed their sentence. For example, a scenario could occur where, following the imposition of the sentence, an individual absconds and fails to report to serve his or her sentence. Though there might be an outstanding warrant for that individual's arrest, they would nevertheless still be eligible to move for expungement under the proposed legislation. Another situation could occur if the sentence imposed includes probation, and the individual violates the conditions of probation. Under this proposed legislation, that individual would nevertheless be eligible to move for expungement five or ten years after the sentence's imposition, despite being a probation violator and potentially

incarcerated. These are just a few hypothetical examples to demonstrate the potential issues that could follow should this proposed legislation pass.

Thank you for the opportunity to express the Judiciary's concerns for this bill.

Sincerely,



Chrisanne Wyrzykowski
General Counsel