



# State of Rhode Island COMMISSION FOR HUMAN RIGHTS

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## WRITTEN TESTIMONY OF THE RHODE ISLAND COMMISSION FOR HUMAN RIGHTS

BILL NO.: 2024 H 7164  
BILL TITLE: An Act Relating to Criminal Procedure –  
Expungement of Criminal Records  
PRIMARY SPONSOR: Representative John J. Lombardi  
COMMITTEE: House Judiciary  
HEARING DATE: 2/15/24

*The Rhode Island Commission for Human Rights (“Commission”) supports this bill.*

The Commission is the state’s primary antidiscrimination law enforcement agency charged with investigating allegations of discrimination in employment, housing, public accommodations, credit and delivery of services. Among the laws over which the Commission has jurisdiction are Title 28, Chapter 5 of the General Laws of Rhode Island, the Fair Employment Practices Act, and Title 34, Chapter 37 of the General Laws of Rhode Island, the Fair Housing Practices Act.

H 7164 would allow people with multiple felony convictions, with certain exceptions, to file a motion for expungement of all records and records of convictions ten (10) years from the date of the completion of their last sentence.

The Commission receives numerous calls each year from individuals who maintain that they have been barred from employment and/or housing opportunities because of their criminal record. This bill seeks to remove this barrier for some such individuals. The availability of expungement and the sealing of records, the Commission believes, is an effective tool to ensure that these individuals are afforded equal consideration in the job and housing markets. Of particular relevance to the Commission’s support of this bill is the well-documented racial disparity in arrests and convictions. Studies show, for example, that “while ... blacks are no more likely to use drugs than whites are, they are more likely to be arrested on drug charges”.<sup>1</sup> Likewise, state data shows that “one in three adult black men in Providence is on parole or on probation”. *Id.* A 2015 *Providence Journal* article cited Rhode Island Department of Corrections statistics as follows: “In Rhode Island, Department of Corrections figures show that black, Hispanic and Asian

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<sup>1</sup> *Providence Journal*, March 21, 2008, p. B-1 (“Disparity of race plays out in prison”).

men make up roughly 58 percent of the prison population and 41 percent of those on parole or probation. They make up 24.3 percent of the state's population overall.”<sup>2</sup> In addition, the “criminal record penalty” adversely affects blacks more than whites.<sup>3</sup>

Studies have also shown that people with criminal records face discrimination: 9 in 10 employers, 4 in 5 landlords, and 3 in 5 colleges and universities use background checks in hiring decisions.<sup>4</sup> The impact of this discrimination leads to higher rates of homelessness and unemployment. Another study shows that removing the stigma of a criminal record can make it easier for past offenders to work and pay taxes, thus benefiting the community as a whole.<sup>5</sup> This bill would make it easier for eligible offenders to obtain a clean record and get jobs and housing, making it less likely that they would re-offend.

To permit individuals to be stigmatized and penalized for infractions older than ten years is at odds with Rhode Island’s long and honorable history of promoting equality and ensuring that all Rhode Islanders can work and live in a nondiscriminatory environment.

For these reasons, the Commission urges passage of this bill.

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<sup>2</sup> *Providence Journal*, October 11, 2015, “Color of Justice in Rhode Island”.

<sup>3</sup> See Footnote 55 in the U.S. Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964, Guidance No. 915.002, [http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm), which issued in 2012. The EEOC Guidance references a study using testers which found that the “criminal record penalty” was twice as high for black applicants as for white applicants.

<sup>4</sup> Center for American Progress, *Criminal Records Create Cycles of Multigenerational Poverty*, April 15, 2020 available at <https://www.americanprogress.org/issues/poverty/news/2020/04/15/483248/criminal-records-create-cycles-multigenerational-poverty/>.

<sup>5</sup> *Stanford News*, March 20, 2014, (referencing Chapin, Meyli, et. al., “A Cost-Benefit Analysis of Criminal Record Expungement in Santa Clara County.” Stanford Public Policy Publication, 2014).