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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER (OPD) REGARDING:

House Bill No. 8154

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- FAMILY COURT

Chairman Craven and Members of the Judiciary Committee:

The OPD submits this testimony in strong opposition to H8154, a bill that would allow certain juvenile police and court records to be transmitted to the National Instant Criminal Background Check System (NICS) for persons under 22 who apply for a firearm permit.

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. Recently, our Supreme Court has reaffirmed this policy in deciding In re C.R., No 22-302 (April 30, 2024)¹.

Our first concern with H8154 is that it directly contradicts this longstanding policy by permitting the transmission of juvenile records to the NICS database. Such a move not only undermines the principles of juvenile justice and rehabilitation but also risks stigmatizing and impeding the 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.

Furthermore, we are deeply troubled by the lack of control that Rhode Island would have over the information once 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 oppose H8154.

¹ <https://www.courts.ri.gov/Courts/SupremeCourt/SupremeOpinions/22-302.pdf>

Sincerely,

A handwritten signature in blue ink, appearing to read "C R Pouliot-Alvarez". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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