

# OFFICE OF THE PUBLIC DEFENDER

160 Pine Street, Providence, Rhode Island 02903

TELEPHONE: (401) 222-3492

FAX: (401) 222-3287

EMAIL TO: [info@ripd.org](mailto:info@ripd.org)

WEBSITE: [www.ripd.org](http://www.ripd.org)

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RE: H7053 Sub A

Chairman Craven and Members of the Judiciary Committee:

During the Committee hearing on H7053, the Office of the Public Defender (OPD) provided both written and oral testimony in support of the H7053. We believe that it is now important to share our thoughts on the proposed Sub A. We have significant concerns about the proposed changes, which undermines the intent and effectiveness of the originally proposed legislation.

Our first concern with the new language is that it imposes such restrictive criteria for expungement eligibility that it would render the section applicable to a very narrow subclass of persons with convictions. The proposed amendment limits relief to individuals with solely one felony and one misdemeanor conviction and significantly expands offenses which are excluded from consideration.

Relatedly, the specific crimes excluded from expungement under Sub A do not align with the broader purpose of the expungement statute or with the rest of the statute's framework. The current expungement statute already precludes convictions for DUIs, domestic offenses, and crimes of violence from eligibility. The addition of additional offenses does not reflect a balanced or just approach and undermines the statute's intent to offer second chances. Additionally, the OPD has concerns that the expansion of excluded offenses in this section creates a slippery slope and may lead to expanding such exclusions into the remainder of the expungement statute.

Another concern is the imposition of a 15-year waiting period before an individual can apply for expungement. Our current framework, and the timeframe that the original bill proposed is 10 years. Such a long duration unduly punishes individuals who have paid their debt to society and are seeking to move forward with their lives. The 10-year waiting period currently in the statute is an appropriate approach.

Lastly, the inclusion of the phrase "as defined in the general laws" on page 2, line 2, is redundant since the statute already provides a clear definition of a crime of violence. This unnecessary addition only complicates the statute and could lead to interpretative inconsistencies.

In conclusion, the OPD strongly urges the Committee to reconsider the language of H7053 Sub A. While we do not necessarily oppose the amendment, due to it providing some relief to a small class of individuals, these changes would severely limit the statute's ability to provide meaningful second chances and rehabilitative opportunities for those who have served their sentences. We appreciate your attention to our concerns.

Sincerely,

Curtis R. Pouliot-Alvarez, Esq.  
Legislative Liaison  
Office of the Public Defender