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March 26, 2025

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 5651

**ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN –
PROCEEDINGS IN FAMILY COURT – JUVENILE RECORDS**

Chairman Craven and Members of the Judiciary Committee:

The Office of the Public Defender submits this testimony in opposition to HB5651, a bill that would allow certain juvenile police and court records to be disclosed to the National Instant Criminal Background Check System (NICS) for persons under 21 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. Our Supreme Court reaffirmed this policy just last year in In re C.R., 313 A.3d 370 (R.I. 2024).

Our first concern with HB5651 is that it directly contradicts this longstanding policy by permitting the disclosure of juvenile records in conducting a NICS background check. Such a move not only undermines the principles of juvenile justice and rehabilitation but also risks stigmatizing and impeding the future 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 after 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 reject HB5651.

Sincerely,

A handwritten signature in blue ink, appearing to read "Megan F. Jackson", followed by a long horizontal flourish.

Megan F. Jackson

Legislative Liaison

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