



## **RHODE ISLAND SUPREME COURT**

*Office of General Counsel*

Licht Judicial Complex

250 Benefit Street

Providence, RI 02903

401-222-8723/401-222-8634 (Fax)

April 1, 2025

**Via Electronic Mail (HouseJudiciary@rilegislature.gov)**

Chairman Robert E. Craven, Sr.  
House Committee on the Judiciary  
Rhode Island State House  
House Lounge  
Providence, RI 02903

**Re: House Bill #5439: An Act Relating to Criminal Procedure: Identification and Apprehension of Criminals**

Dear Chairman Craven:

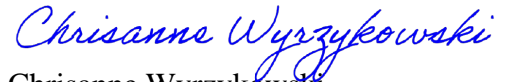
I write on behalf of the Judiciary and the District Court to respectfully express our concerns regarding House Bill #5439, scheduled to be heard and considered this evening before the House Judiciary Committee. If enacted, this legislation would require District Court staff to automatically seal all *individual counts* of criminal complaints that were dismissed pursuant to Rule 48(a) of the Rules of District Court Criminal Procedure within ten (10) to twenty (20) days where the count(s) were dismissed on or after January 1, 2023. It would further require District Court Clerks to administratively seal all *individual counts* of criminal complaints that were dismissed pursuant to Rule 48(a) before January 1, 2023, at the request of the defendant.

In the 2022 legislative session, the Judiciary worked with other stakeholders and came to a consensus which resulted in passage of RIGL § 12-1-12.1. This statute provides for the automatic sealing of a *criminal case* that is dismissed pursuant to Rule 48(a). At that time the Judiciary objected to expunging counts due to the heavy administrative burden this would place upon the District Court. As the Judiciary learned during the process of sealing individual marijuana counts pursuant to the Rhode Island Cannabis Act, the process for automatically sealing a criminal count or counts within a criminal case is significantly more complicated than expunging an entire criminal case. To accomplish this task each case must be reopened, the dismissed count(s) electronically removed, and the remainder of the complaint regenerated as a new case. Also, staff must administratively determine associated costs, including restitution owed on the remainder of the case and close out and reopen a separate accounting for these costs. Lastly, each paper file must be reviewed, and the count(s) redacted, including all records stored at the Judiciary's Record Center. The Court must also notify law enforcement agencies who must also process the sealed

counts. The Judiciary does not currently have the staffing or financial resources to meet the demands of this legislation and will likely require additional FTEs and funding to accomplish this task. A fiscal impact statement is attached to this letter for the Committee's consideration.

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

Sincerely,



Chrisanne Wyrzykowski  
Deputy General Counsel  
Rhode Island Supreme Court



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TO: Darlene Walsh, Director of Finance & Budget  
FROM: Karen Ginolfi, Deputy Direct of Budget; Edward J Cooney, Jr., Executive Director  
RE: 2025-H 5439 & 2025-S 0910  
DATE: March 31, 2025

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The proposed legislation includes the automatic sealing of individual counts of a criminal complaint dismissed by pursuant to District Court rule 48 (a) on or after January 1, 2023 not less than ten days or more than 20 days after dismissal.

The legislation also allows for the defendant to request the administrative sealing of individual counts of a criminal complaint dismissed by pursuant to District Court rule 48 (a) prior to January 1, 2023. These actions are then to be sent to the bureau of criminal investigations within 5 days of the entry of the order and shall be carried out within 90 days of the receipt of the order.

The proposed legislation would take effect upon passage.

### Fiscal Impact

This passage of this legislation will require the creation and filling of 4.0 additional full-time equivalent positions. These figures below are reflective of positions hired at a minimum of a grade 24 to be authorized to seal records. The projections for the next four fiscal year period are based off the current 4400 UA schedule and the FY 2026 planning values and the 4.0 percent cost of living adjustment set to take place July 1, 2025. Beyond what was previously mentioned, the figures over the next four fiscal years period do not take into consideration any additional contractual cost of living adjustments that may occur. This fiscal note also does not include any additional overtime expenditures required of current employees who will handle the additional tasks prior to these positions being created and filled.

<b>Pay Grade 24 4400UA</b>				
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
<b>Salary</b>	\$ 65,107.00	\$ 67,375.36	\$ 69,590.04	\$ 72,546.24
<b>Benefits</b>	50,548.08	51,609.67	52,646.14	54,029.64
<b>Total Annual Cost</b>	<b>\$ 115,655.08</b>	<b>\$ 118,985.03</b>	<b>\$ 122,236.18</b>	<b>\$ 126,575.88</b>
<b>4.0 FTE Annual Cost</b>	<b>\$ 462,620.30</b>	<b>\$ 475,940.11</b>	<b>\$ 488,944.71</b>	<b>\$ 506,303.52</b>