

2016 -- S 2106

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LC003852
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND APPREHENSION OF
CRIMINALS

Introduced By: Senators Archambault, Lombardi, Nesselbush, Conley, and McCaffrey

Date Introduced: January 21, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-1.3-1 of the General Laws in Chapter 12-1.3 entitled
2 "Expungement of Criminal Records" is hereby amended to read as follows:

3 **12-1.3-1. Definitions.** -- For purposes of this chapter only, the following definitions
4 apply:

5 (1) "Crime of violence" includes murder, manslaughter, first degree arson, kidnapping
6 with intent to extort, robbery, larceny from the person, first degree sexual assault, second degree
7 sexual assault, first and second degree child molestation, assault with intent to murder, assault
8 with intent to rob, assault with intent to commit first degree sexual assault, burglary, and entering
9 a dwelling house with intent to commit murder, robbery, sexual assault, or larceny.

10 (2) "Expungement of records and records of conviction" means the sealing and retention
11 of all records of a conviction and/or probation and the removal from active files of all records and
12 information relating to conviction and/or probation.

13 (3) "First offender" means a person who has been convicted of a felony offense ~~or a~~
14 ~~misdemeanor offense~~, and who has not been previously convicted of or placed on probation for a
15 felony ~~or a misdemeanor~~, or a person who has been convicted of not more than two (2)
16 misdemeanor offenses, and who has not been previously convicted of or placed on probation for a
17 felony and against whom there is no criminal proceeding pending in any court.

18 (4) "Law enforcement agency" means a state police organization of this or any other

1 state, the enforcement division of the department of environmental management, the office of the
2 state fire marshal, the capitol police, a law enforcement agency of the federal government, and
3 any agency, department, or bureau of the United States government which has as one of its
4 functions the gathering of intelligence data.

5 (5) "Records" and "records of conviction and/or probation" include all court records, all
6 records in the possession of any state or local police department, the bureau of criminal
7 identification and the probation department, including, but not limited to, any fingerprints,
8 photographs, physical measurements, or other records of identification. The terms "records" and
9 "records of conviction, and/or probation" do not include the records and files of the department of
10 attorney general which are not kept by the bureau of criminal identification in the ordinary course
11 of the bureau's business.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would redefine "first-time offender" and would permit individuals with a record
- 2 of up to two (2) misdemeanor convictions to be eligible for expungement.
- 3 This act would take effect upon passage.

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