

# House Calendar

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Wednesday, January 18, 2023

15th DAY OF THE BIENNIAL SESSION

House Convenes at 3:00 P.M.

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**ACTION CALENDAR**

**Third Reading**

**H. 1**

An act relating to legislative oversight of payment reform and conflict-free case management for developmental disability services

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 28**

An act relating to diversion and expungement

**Rep. Notte of Rutland City**, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 163(e) is amended to read:

(e)(1) Within 30 days after the two-year anniversary of a successful completion of juvenile diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement of all court files and records, law enforcement records other than entries in the juvenile court diversion program's centralized filing system, fingerprints, and photographs applicable to the proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A)—(D) of this subdivision. The court shall give the State's Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:

(A) two years have elapsed since the successful completion of juvenile diversion by the participant ~~and the dismissal of the case by the State's Attorney;~~

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction;

(C) rehabilitation of the participant has been attained to the satisfaction of the court; and

(D) the participant does not owe restitution related to the case ~~under a contract executed with the Restitution Unit.~~

\* \* \*

Sec. 2. 3 V.S.A. § 164(g) is amended to read:

(g)(1) Within 30 days after the two-year anniversary of a successful completion of adult diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement of all court files and records, law enforcement records other than entries in the adult court diversion program's centralized filing system, fingerprints, and photographs applicable to the proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A)—(D) of this subdivision. The court shall give the State's Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:

(A) two years have elapsed since the successful completion of the adult diversion program by the participant ~~and the dismissal of the case by the State's Attorney;~~

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction;

(C) rehabilitation of the participant has been attained to the satisfaction of the court; and

(D) the participant does not owe restitution related to the case ~~under a contract executed with the Restitution Unit.~~

\* \* \*

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

**( Committee Vote: 11-0-0)**

**Public Hearings**  
**Public Hearing on the Governor's Initial and Supplemental**  
**Recommended**  
**FY 2023 Budget Adjustment**

The Vermont House Committee on Appropriations will hold a **public hearing on Thursday, January 19, 2023, at 1:00 p.m.** via in person (Room 11 of the State House) or videoconference (Zoom). The Governor's proposal may be found HERE: <https://finance.vermont.gov/fy2023>

The Committee will take testimony on the Governor's recommended budget adjustments at the above date and time. **Anyone interested in testifying should sign up in advance of the hearing through the following online form: <https://legislature.vermont.gov/links/public-hearing-on-the-budget-adjustment-act> not later than 12:00 noon on January 18, 2023.** Instructions on how to access and participate in the hearing will be sent once you have signed up for the hearing.

The hearing will be available to watch live on YouTube at the following link: <https://legislature.vermont.gov/committee/streaming/house-appropriations>

For more information about the format of these events, contact Erin Viera at [EViera@leg.state.vt.us](mailto:EViera@leg.state.vt.us). Written testimony is encouraged and can be submitted electronically through e-mail at [Testimony@leg.state.vt.us](mailto:Testimony@leg.state.vt.us) or mailed to the House Committee on Appropriations, c/o Erin Viera, 133 State Street, Montpelier, VT 05633.