



H. 655 Draft 2.1 - Sealing of Records
House Judiciary Committee – March 13, 2024
Sarah Robinson, Deputy Director

Thank you for the opportunity to submit testimony on H. 655. We thank the committee for your work on efforts to update Vermont's sealing and expungement regime in Vermont.

The Vermont Network Against Domestic and Sexual Violence remains generally supportive of practices for sealing and expunging criminal records that balance the positive impacts of these policies with protections for victims and survivors of crime, including those who have been justice-involved.

While we believe that draft 2.1 of H. 655 meaningfully advances sealing in Vermont and addresses many important concerns, there remain some unresolved questions and policy concerns.

Changes within Draft 2.1

We appreciate the changes in draft 2.1 related to clarifying offenses that are ineligible for sealing, some of which the Network had requested in previous testimony, including sexual exploitation of a minor and a violation of an extreme risk protection order. **On whole, the bill makes important changes to current law by refining the crimes excepted from expungement and sealing. Compared to current law, draft 2.1 includes a broader list of crimes that are ineligible for sealing that are directly related to domestic and sexual violence.** We support these changes. Domestic violence and sexual abuse are often crimes that are characterized by a repeated behaviors. Often multiple individuals may be victimized over a number of years. As a result, arrests and criminal histories in these instances can play an important role in illustrating a course of conduct that may span multiple years or multiple victims.

We encourage the Committee to continue to ensure that sealing and expungement in Vermont does not adversely impact the Victims' Compensation program or the Restitution program. We concur with the Vermont Center for Crime Victim Services' request that the Restitution Unit is provided notice by the Courts and that the language on page 13, line 23 is restored.

In addition, we appreciate that the exceptions to the effects of sealing have been narrowed. Exceptions to the effect of sealing should be clear and limited to those instances which have demonstrable impact on the interests of justice and public protection. However, while draft 2.1 is a distinct improvement over previous versions, the bill continues to contain a lengthy and complex number of exceptions to the effect of sealing. This may deter individuals from seeking sealing of records or it may mitigate the potential benefits of records sealing. The impact of this for victims of domestic and sexual violence is



likely mixed, with some exceptions providing important access and public protections, while others could adversely impact victims of crime who have had previous justice involvement.

Overarching Questions and Concerns

The policy choice presented by H. 655 - whether to expand eligibility of sealing to additional offenses and increase exceptions to the effect of sealing - has raised some valid concerns, some of which were raised by the Office of Racial Equity as well as the Racial Disparities Advisory Panel (RDAP).

If H. 655 continues to advance this session, the Network is committed to continued work with stakeholders to address concerns and ensure that Vermont's approach to sealing balances public safety, social equity and victim interests.