

# Journal of the House

Wednesday, March 1, 2017

At one o'clock in the afternoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by Reverend Kim Kie, Hedding United Methodist Church, Barre, VT.

## Message from the Senate No. 25

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

**S. 7.** An act relating to deferred sentences and the sex offender registry.

**S. 50.** An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility.

In the passage of which the concurrence of the House is requested.

Rep. Krowinski of Burlington in chair.

## House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

### H. 496

By Reps. Dunn of Essex, Belaski of Windsor, Christensen of Weathersfield, Christie of Hartford, Cina of Burlington, Deen of Westminster, Devereux of Mount Holly, Donovan of Burlington, Fields of Bennington, Forguites of Springfield, Gannon of Wilmington, Gardner of Richmond, Head of South Burlington, Hooper of Brookfield, Keenan of St. Albans City, Lanpher of Vergennes, Lewis of Berlin, Miller of Shaftsbury, Morris of Bennington, Noyes of Wolcott, Ode of Burlington, Rachelson of Burlington, Stuart of Brattleboro, Sullivan of Dorset, Sullivan of Burlington, Till of Jericho, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

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An act relating to the professional regulation of medical assistants;  
To the committee on Government Operations.

**H. 497**

By the committee on Agriculture & Forestry,  
An act relating to health requirements for animals used in agriculture;  
Under the rule, placed on the Calendar for notice.

**S. 7**

Senate bill, entitled  
An act relating to deferred sentences and the sex offender registry;  
To the committee on Judiciary.

**S. 50**

Senate bill, entitled  
An act relating to insurance coverage for telemedicine services delivered in  
or outside a health care facility;  
To the committee on Health Care.

**Bill Referred to Committee on Appropriations**

**H. 494**

House bill, entitled  
An act relating to the Transportation Program and miscellaneous changes to  
transportation-related law  
Appearing on the Calendar, carrying an appropriation, under rule 35(a), was  
referred to the committee on Appropriations.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 144**

**Rep. Squirrell of Underhill**, for the committee on Natural Resources, Fish  
& Wildlife, to which had been referred House bill, entitled

An act relating to the membership of the Nuclear Decommissioning  
Citizens Advisory Panel

Reported in favor of its passage when amended by striking all after the  
enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1700 is amended to read:

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§ 1700. CREATION; MEMBERSHIP; OFFICERS; QUORUM

(a) There is created a Nuclear Decommissioning Citizens Advisory Panel which shall consist of the following:

- (1) The Secretary of Human Services, ex officio, or designee.
- (2) The Secretary of Natural Resources, ex officio, or designee.
- (3) The Commissioner of Public Service, ex officio, or designee.
- (4) The Secretary of Commerce and Community Development, ex officio, or designee.
- (5) The member of the House of Representatives representing the Town of Vernon.

~~(6)~~ One member of the House ~~Committee on Natural Resources and Energy~~ of Representatives from Windham County, other than the House member representing the Town of Vernon, chosen by the Speaker of the House.

~~(6)(7)~~ One member of the Senate ~~Committee on Natural Resources and Energy~~ from Windham County, chosen by the Committee on Committees.

~~(7)(8)~~ One representative of the Windham Regional Commission or designee, selected by the Regional Commission.

~~(8)(9)~~ One representative of the Town of Vernon or designee, selected by the legislative body of that town.

~~(9)(10)~~ Six members of the public, two each selected by the Governor, the Speaker of the House, and the President Pro Tempore of the Senate. Under this subdivision, each appointing authority initially shall appoint a member for a three-year term and a member for a four-year term. Subsequent appointments under this subdivision shall be for terms of four years.

~~(10)(11)~~ Two representatives of the owners of the Vermont Yankee Nuclear Power Station (VYNPS or Station) selected by the owner of the Station.

~~(11)(12)~~ A representative of the International Brotherhood of Electric Workers (IBEW) selected by the IBEW who shall be a present or former employee at the VYNPS.

~~(12)(13)~~ One member who will represent collectively the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire, when selected by the Governor of New Hampshire at the invitation of the Commissioner of Public Service.

~~(13)(14)~~ One member who will represent collectively the Towns of

Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, when selected by the Governor of Massachusetts at the invitation of the Commissioner of Public Service.

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Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Natural Resources, Fish & Wildlife agreed to and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 171**

**Rep. Lalonde of South Burlington**, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to expungement

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 8005 is amended to read:

§ 8005. NOTICE OF COLLATERAL CONSEQUENCES AND  
ELIGIBILITY FOR EXPUNGEMENT IN PRETRIAL  
PROCEEDING

\* \* \*

(b) Before the ~~Court~~ court accepts a plea of guilty or nolo contendere from an individual, the ~~Court~~ court shall:

(1) confirm that the individual received the notice required by subsection (a) of this section and had an opportunity to discuss the notice with counsel, if represented, and understands that there may be collateral consequences to a conviction; and

(2) provide written notice, as part of a written plea agreement or through another form, of the following:

(A) that collateral consequences may apply because of the conviction;

(B) the Internet address of the collection of laws published under this chapter;

(C) that there may be ways to obtain relief from collateral consequences;

(D) that the conviction may be eligible for expungement or sealing pursuant to section 7602 of this title;

(E) contact information for government or nonprofit agencies, groups, or organizations, if any, offering assistance to individuals seeking relief from collateral consequences; and

~~(E)~~(F) that conviction of a crime in this State does not prohibit an individual from voting in this State.

Sec. 2. 13 V.S.A. § 8006 is amended to read:

§ 8006. NOTICE OF COLLATERAL CONSEQUENCES AND  
ELIGIBILITY FOR EXPUNGEMENT UPON RELEASE

(a) Prior to the completion of a sentence, an individual in the custody of the Commissioner of Corrections shall be given written notice of the following:

(1) that collateral consequences may apply because of the conviction;

(2) the Internet address of the collection of laws published under this chapter;

(3) that there may be ways to obtain relief from collateral consequences;

(4) that the conviction may be eligible for expungement or sealing pursuant to section 7602 of this title;

(5) contact information for government or nonprofit agencies, groups, or organizations, if any, offering assistance to individuals seeking relief from collateral consequences; and

~~(5)~~(6) that conviction of a crime in this State does not prohibit an individual from voting in this State.

(b) For persons sentenced to incarceration, the notice shall be provided not more than 30 days and at least 10 days before completion of the sentence. If the sentence is for a term of less than 30 days then notice shall be provided when the sentence is completed.

(c) For persons receiving a sentence involving community supervision, such as probation, furlough, home confinement, conditional reentry, or parole, the notice shall be provided by the Department of Corrections in keeping with its mission of ensuring rehabilitation and public safety.

(d) For persons receiving a penalty involving a fine only, the court shall, at

the time of the judgment, provide either oral or written notice that the conviction may be eligible for expungement or sealing pursuant to section 7602 of this title.

Sec. 3. 13 V.S.A. § 7601(4) is amended to read:

(4) "Qualifying crime" means:

(A) a misdemeanor offense which is not a listed crime as defined in subdivision 5301(7) of this title, an offense involving sexual exploitation of children in violation of chapter 64 of this title, an offense involving violation of a protection order in violation of section 1030 of this title, a prohibited act as defined in section 2632 of this title, or a predicate offense;

(B) a violation of subsection 3701(a) of this title related to criminal mischief;

(C) a violation of section 2501 of this title related to grand larceny;  
or

(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title; or

(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit.

Sec. 4. 13 V.S.A. § 7602 is amended to read:

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,  
POSTCONVICTION; PROCEDURE

\* \* \*

(b)(1) ~~The Court~~ Unless the court finds that expungement would not be in the interest of justice, the court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least ~~10~~ three years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least ~~10~~ three years previously.

(B) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying crime.

(C) Any restitution ordered by the ~~Court~~ court has been paid in full.

~~(D) The Court finds that expungement of the criminal history record serves the interest of justice.~~

(2) The ~~Court~~ court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), and (C) of this subsection are met and the ~~Court~~ court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

(c)(1) ~~The Court~~ Unless the court finds that expungement would not be in the interest of justice, the court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least ~~20~~ five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.

(B) The person has not been convicted of a felony arising out of a new incident or occurrence since the person was convicted of the qualifying crime.

(C) The person has not been convicted of a misdemeanor during the past ~~15~~ three years.

(D) Any restitution ordered by the ~~Court~~ court for any crime of which the person has been convicted has been paid in full.

~~(E) After considering the particular nature of any subsequent offense, the Court finds that expungement of the criminal history record for the qualifying crime serves the interest of justice.~~

(2) The ~~Court~~ court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), and (D) of this subsection are met and the ~~Court~~ court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

~~(d) The Court shall grant the petition and order that the criminal history~~

~~record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) The petitioner committed the qualifying crime or crimes prior to reaching 25 years of age.~~

~~(2) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.~~

~~(3) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of the qualifying crime.~~

~~(4) The person successfully completed a term of regular employment or public service, independent of any service ordered as a part of the petitioner's sentence for the conviction, and as approved by the Community Justice Network of Vermont, which may include:~~

~~(A) community service hours completed without compensation, reparation of harm to the victim, or education regarding ways not to reoffend, or a combination of the three;~~

~~(B) at least one year of service in the U.S. Armed Forces, followed by an honorable discharge or continued service in good standing;~~

~~(C) at least one year of service in AmeriCorps or another local, state, national, or international service program, followed by successful completion of the program or continued service in good standing; or~~

~~(D) at least one year of regular employment.~~

~~(5) Any restitution ordered by the Court for any crime of which the person has been convicted has been paid in full.~~

~~(6) The Court finds that expungement of the criminal history record serves the interest of justice.~~

~~(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section, unless the court finds that expungement would not be in the interest of justice, the Court court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) At least one year has elapsed since the completion of The petitioner has completed any sentence or supervision for the offense, whichever is later.~~

~~(2) Any restitution ordered by the Court court has been paid in full.~~

~~(3) The Court finds that expungement of the criminal history record serves the interest of justice.~~

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Sec. 5. 13 V.S.A. § 7605 is amended to read:

§ 7605. DENIAL OF PETITION

If a petition for expungement is denied by the ~~Court~~ court pursuant to this chapter, no further petition shall be brought for at least ~~five years~~ one year, unless a shorter duration is authorized by the court.

Sec. 6. JUDICIARY; NEXT GENERATION CASE MANAGEMENT SYSTEM; AUTOMATION OF EXPUNGEMENT PROCESS

On or before January 15, 2018, the Court Administrator shall report to the House and Senate Committees on Judiciary on the feasibility of automating the expungement and sealing petition process through the Next Generation Case Management System or any other available method.

Sec. 7. OFFICE OF THE ATTORNEY GENERAL; PUBLIC NOTICE OF EXPUNGEMENT OPPORTUNITY

The Office of the Attorney General shall provide public education and awareness regarding the availability of the expungement petition process to inform Vermonters of the opportunity to expunge or seal the record of a criminal conviction.

Sec. 8. LEGISLATIVE INTENT

Because the expungement of criminal history records serves the interests of rehabilitative justice, the General Assembly expresses its intent to continue examining the issue, and to consider whether to expand the range of offenses for which a person's criminal history records can be expunged.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

**Favorable Report; Bill Amended; Read Second Time;  
Third Reading Ordered**

**H. 297**

**Rep. Jessup of Middlesex**, for the committee on Judiciary, to which had been referred House bill, entitled

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An act relating to judicial organization and restructuring

Reported in favor of its passage.

Pending the question, Shall the bill be read a third time? **Rep. Jessup of Middlesex** moved to amend the bill as follows:

In Sec. 6, 27 V.S.A. § 463(b), by striking out “~~and recorded~~” and inserting in lieu thereof “and recorded”

And that after passage the title of the bill be amended to read: “An act relating to miscellaneous court operations procedures”

Which was agreed to. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 233**

**Rep. Partridge of Windham** moved that the committee on Agriculture & Forestry be relieved of House bill, entitled

An act relating to protecting working forests and habitat

And that the bill be committed to the committee on Natural Resources, Fish & Wildlife, which was agreed to.

**Adjournment**

At one o'clock and fifty-three minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.