

# House Calendar

---

Thursday, January 19, 2023

16th DAY OF THE BIENNIAL SESSION

House Convenes at 3:00 P.M.

---

## TABLE OF CONTENTS

---

**Page No.**

### **ACTION CALENDAR**

#### **Favorable with Amendment**

<b>H. 28</b> Diversion and expungement Rep. Notte for Judiciary .....	<b>9</b>
--	----------

### **NOTICE CALENDAR**

#### **Consent Calendar**

<b>H.C.R. 1</b> Congratulating the Green Mountain Girls Field Hockey Club on winning the 2022 National Hockey Festival U-14 Championship.....	<b>10</b>
<b>H.C.R. 2</b> Congratulating Dan Yates on being named the 2022 Vermont Community Banker of the Year.....	<b>10</b>
<b>H.C.R. 3</b> In memory of former Representative Warren Fredrick Kitzmiller of Montpelier.....	<b>11</b>
<b>H.C.R. 4</b> Honoring the Rev. Carl Hilton VanOsdall on the 25th anniversary of his ministry at the First Presbyterian Church of Barre.....	<b>11</b>
<b>H.C.R. 5</b> Congratulating Ariana Wunderle on establishing a Guinness World Record for the longest distance walking a tight- rope while wearing high heels .....	<b>11</b>
<b>H.C.R. 6</b> Honoring Susan Higby on the 20th anniversary of her outstanding service as Executive Director of Studio Place Arts in Barre.....	<b>11</b>
<b>H.C.R. 7</b> In memory of former Vermont Veterans' Home Trustee Arthur William Charron Jr. of Bennington.....	<b>11</b>
<b>H.C.R. 8</b> Honoring Lisa Byer for her outstanding quarter-century association with Catamount Access Television in Bennington.....	<b>11</b>
<b>H.C.R. 9</b> In memory of former Representative Joseph L. Krawczyk Jr. of Bennington.....	<b>11</b>
<b>H.C.R. 10</b> Congratulating the 2022 Mount Anthony Union High School Patriots Division II championship football team.....	<b>11</b>

**H.C.R. 11** Designating January 23–27, 2023 as the first annual Holocaust Education Week in Vermont..... 11

**S.C.R. 1** Senate concurrent resolution honoring Steven D. Marshall of Swanton for his exemplary service as the Assistant Secretary of the Senate.. 11

**S.C.R. 2** Senate concurrent resolution honoring Helen Estroff of Montpelier for her outstanding public service in the executive branch, and as the Calendar Clerk of the Vermont Senate..... 12

**S.C.R. 3** Senate concurrent resolution honoring James Sullivan for his exemplary leadership at the Bennington County Regional Commission..... 12

---

---

**ORDERS OF THE DAY**

---

---

**ACTION 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)**

## **NOTICE CALENDAR**

### **Consent Calendar**

### **Concurrent Resolutions**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Senate Secretary's office or the House Clerk's office. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

### **H.C.R. 1**

House concurrent resolution congratulating the Green Mountain Girls Field Hockey Club on winning the 2022 National Hockey Festival U-14 Championship

### **H.C.R. 2**

House concurrent resolution congratulating Dan Yates on being named the

2022 Vermont Community Banker of the Year

**H.C.R. 3**

House concurrent resolution in memory of former Representative Warren Fredrick Kitzmiller of Montpelier

**H.C.R. 4**

House concurrent resolution honoring the Rev. Carl Hilton VanOsdall on the 25th anniversary of his ministry at the First Presbyterian Church of Barre

**H.C.R. 5**

House concurrent resolution congratulating Ariana Wunderle on establishing a Guinness World Record for the longest distance walking a tight- rope while wearing high heels

**H.C.R. 6**

House concurrent resolution honoring Susan Higby on the 20th anniversary of her outstanding service as Executive Director of Studio Place Arts in Barre

**H.C.R. 7**

House concurrent resolution in memory of former Vermont Veterans' Home Trustee Arthur William Charron Jr. of Bennington

**H.C.R. 8**

House concurrent resolution honoring Lisa Byer for her outstanding quarter-century association with Catamount Access Television in Bennington

**H.C.R. 9**

House concurrent resolution in memory of former Representative Joseph L. Krawczyk Jr. of Bennington

**H.C.R. 10**

House concurrent resolution congratulating the 2022 Mount Anthony Union High School Patriots Division II championship football team

**H.C.R. 11**

House concurrent resolution designating January 23–27, 2023 as the first annual Holocaust Education Week in Vermont

**S.C.R. 1**

Senate concurrent resolution honoring Steven D. Marshall of Swanton for his exemplary service as the Assistant Secretary of the Senate

### **S.C.R. 2**

Senate concurrent resolution honoring Helen Estroff of Montpelier for her outstanding public service in the executive branch, and as the Calendar Clerk of the Vermont Senate

### **S.C.R. 3**

Senate concurrent resolution honoring James Sullivan for his exemplary leadership at the Bennington County Regional Commission

### **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.