

Community Justice Network of Vermont
Expungement Amendment
March 27, 2015

13 V.S.A. § 7602. Expungement and sealing of record, postconviction; procedure

(b)(1) 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 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 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 has been paid in full, and

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

Add a new (2) and (3)

(2) Notwithstanding the 10-year requirement in (b)(1)(A) of this section, the court may grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the person committed the qualifying crime or crimes prior to attaining the age of 25 and five years have elapsed since the date upon which the person completed his or her sentence or term of supervision. The person must meet the following criteria:

(A) The person has met the requirements of subsections (b)(1)(B), (C) and (D) of this section and

(B) The person has successfully completed programming as approved by a Restorative Justice Center independent of any programming ordered as part of their sentence. The parameters of acceptable programming shall be established by the Community Justice Network of Vermont in cooperation with the Executive Director of the Department of State's Attorneys, the Defender General, and the Chief Superior Court Judge.

Programming may include:

(i) community service hours as agreed upon by the Restorative Justice Center and the person;

(ii) education regarding ways to not reoffend

(iii) reparation of harm to the victim;

(iv) service in the U.S. military for at least one year and continued good standing or honorable discharge;

(v) participation in an AmeriCorps or other local, state, national or international service program for at least one year in good standing or successful completion of the program

(3) Pursuant to section (b)(2) of this section, the Restorative Justice Center shall prepare a certificate of completion of programming which the person shall file with the expungement petition. The Restorative Justice Center may charge a reasonable administrative fee in connection with this section as established by the Community Justice Network of Vermont.