

1 S.173

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; sealing of criminal history records

6 Statement of purpose of bill as introduced: This bill proposes to expand the  
7 availability of sealing criminal history records when there is no conviction to  
8 individuals cited or arrested for any crime.

9 An act relating to sealing criminal history records when there is no  
10 conviction

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 13 V.S.A. § 7603 is amended to read:

13 § 7603. ~~EXPUNGEMENT AND SEALING OF RECORD, NO~~  
14 ~~CONVICTION; PROCEDURE~~

15 (a) A person who was cited or arrested for a ~~qualifying~~ crime or ~~qualifyin~~  
16 crimes arising out of the same incident or occurrence may file a petition with  
17 the court requesting ~~expungement or~~ sealing of the criminal history record  
18 related to the citation or arrest if one of the following conditions is met:

19 (1) No criminal charge is filed by the State and the statute of limitations  
20 has expired.

1           (2) The court does not make a determination of probable cause at the  
2 time of arraignment or dismisses the charge at the time of arraignment and the  
3 statute of limitations has expired.

4           (3) The charge is dismissed before trial:

5               (A) without prejudice and the statute of limitations has expired; or

6               (B) with prejudice.

7           (4) The defendant and the respondent stipulate that the court may grant  
8 the petition to ~~expunge and~~ seal the record.

9           (b) The State's Attorney or Attorney General shall be the respondent in the  
10 matter. The petitioner and the respondent shall be the only parties in the  
11 matter.

12           (c) The court shall grant the petition and order that the criminal history  
13 record be ~~expunged~~ sealed pursuant to section ~~7606~~ 7607 of this title if it finds  
14 that ~~expungement of~~ sealing the criminal history record serves the interest of  
15 justice.

16           (d) ~~The court shall grant the petition and order that all or part of the~~  
17 ~~criminal history record be sealed pursuant to section 7607 of this title if:~~

18               (1) ~~The court finds that sealing the criminal history record better serves~~  
19 ~~the interest of justice than expungement.~~

20               (2) ~~The person committed the qualifying crime after reaching 19 years~~  
21 ~~of age. [Repealed.]~~

1       Sec. 2. EFFECTIVE DATE

2       This act shall take effect on July 1, 2018.