



VERMONT
NETWORK

Testimony on H.171
Expungement
House Committee on Judiciary
February 3, 2017

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Policy Director

Thank you for the opportunity to speak to you about H. 171. The Network supports H.171 with the following recommendation and comments:

1. Sec. 1. 13 V.S.A. § 7601(4) (A-D): This section is fully supported by the Vermont Network and the Network recommends that the committee ensure that this section of current statute remain intact with only the addition to (A) as indicated below.
2. Sec. 1. 13 V.S.A. § 7601(4) (A): Following: “a prohibited act 2 as defined in section 2632 of this title,…” (pg 2, line 2)

NOTE: If a new sexual violence misdemeanor is entered into statute this year, the Network suggests that the new statute be included here (possibly: 13 V.S.A. § 2601a).

3. Comments on SECTION 1; 4 (E): *(a) No person shall obtain or attempt to obtain a regulated drug, or procure or attempt to procure the administration of a regulated drug, (1) by fraud, deceit, misrepresentation, or subterfuge; (2) by the forgery or alteration of a prescription or of any written order; (3) by the concealment of a material fact; or (4) by the use of a false name or the giving of a false address.*

The Vermont Network coordinates the DIVAS program - Discussing Intimate Partner Violence and Accessing Support (DIVAS) Program.

DIVAs offers education and support, skill building and advocacy to incarcerated and detained women who have experienced physical and sexual abuse. These women are currently housed at the Chittenden Regional Correctional facility. The purpose of the DIVAS program is to improve outcomes for these women during incarceration and upon community reentry.

In Vermont – more than 80 percent of incarcerated women report having been a victim of domestic or sexual violence or trafficking. In our facility, we absolutely have women incarcerated due to obtaining and procuring drugs through fraud and deceit... and these are usually connected to being trafficked or involved with domestic violence situations. This is a critical difference between our incarcerated male population and our incarcerated female



population – the majority of Vermont women offenders are also victims. (NOTE: numbers last week: 131 women incarcerated (of those, 28 are state detainees))

Taking into account the nature of domestic violence, sexual violence and human trafficking and recognizing the numerous related pathways to addiction – whether through self-medicating through trauma for survival, or forced criminal activity via coercive control by traffickers and abusers – this crime of procuring drugs through fraud and deceit is well-known to Vermont’s incarcerated women.

Furthermore, the Vermont Network understands that addiction is health issue and not solely a criminal justice issue. For these reasons discussed above, we feel it is important to allow offenders charged with this crime the opportunity for expungement – a chance to formally acknowledge recovery and a chance at a new beginning.

4. Regarding timeline changes for expungement:
The Network supports the changes as proposed in the bill.