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H.171

Representative LaLonde of South Burlington moves that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 8006 is amended to read:

§ 8006. NOTICE OF COLLATERAL CONSEQUENCES 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

1 the sentence is for a term of less than 30 days then notice shall be provided
2 when the sentence is completed.

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

7 (d) For persons receiving a penalty involving a fine only, the court shall, at
8 the time of the judgment, provide either oral or written notice that the
9 conviction may be eligible for expungement or sealing pursuant to section
10 7602 of this title.

11 Sec. 2. 13 V.S.A. § 7601(4) is amended to read:

12 (4) “Qualifying crime” means:

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

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

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

1 (D) a violation of section 1201 of this title related to burglary,
2 excluding any burglary into an occupied dwelling, as defined in subdivision
3 1201(b)(2) of this title; or

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

5 Sec. 3. 13 V.S.A. § 7602 is amended to read:

6 § 7602. EXPUNGEMENT AND SEALING OF RECORD,
7 POSTCONVICTION; PROCEDURE

8 * * *

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

13 (A) At least ~~40~~ three years have elapsed since the date on which the
14 person successfully completed the terms and conditions of the sentence for the
15 conviction, or if the person has successfully completed the terms and
16 conditions of an indeterminate term of probation that commenced at least ~~40~~
17 three years previously.

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

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

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

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

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

9 (B) the person committed the qualifying crime after reaching
10 19 years of age.

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

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

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

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

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

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

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

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

14 (B) the person committed the qualifying crime after reaching
15 19 years of age.

16 ~~(d) The Court shall grant the petition and order that the criminal history~~
17 ~~record be expunged in accordance with section 7606 of this title if the~~
18 ~~following conditions are met:~~

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

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

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

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

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

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

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

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

1 **Sec. 5. JUDICIARY; NEXT GENERATION CASE MANAGEMENT**

2 **SYSTEM; AUTOMATION OF EXPUNGEMENT PROCESS**

3 On or before January 15, 2018, the Vermont Judiciary shall report to the
4 House and Senate Committees on Judiciary on the feasibility of automating the
5 expungement and sealing petition process in the Next Generation Case
6 Management System.

7 **Sec. 6. OFFICE OF THE ATTORNEY GENERAL; PUBLIC NOTICE OF**

8 **EXPUNGEMENT OPPORTUNITY**

9 The Office of the Attorney General shall provide public notice of the
10 availability of the expungement petition process to inform Vermonters of the
11 opportunity to expunge or seal the record of a criminal conviction.

12 **Sec. 7. EFFECTIVE DATE**

13 This act shall take effect on July 1, 2017.