

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 171
3 entitled “An act relating to expungement” respectfully reports that it has
4 considered the same and recommends that the Senate propose to the House that
5 the bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 7602 is amended to read:

8 § 7602. EXPUNGEMENT AND SEALING OF RECORD,
9 POSTCONVICTION; PROCEDURE

10 * * *

11 (g) The court shall grant the petition and order that the criminal history
12 record be expunged pursuant to section 7606 of this title if the following
13 conditions are met:

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

19 (2) The qualifying crime was any misdemeanor offense with a penalty
20 of one year of imprisonment or less.

1 (3) The person has not been convicted of a crime arising out of a new
2 incident or occurrence since the person was convicted for the qualifying crime.

3 (4) Any restitution ordered by the court has been paid in full.

4 (5) The court finds that expungement of the criminal history record
5 serves the interest of justice.

6 (h) Prior to granting an expungement or sealing under this section for
7 petitions filed pursuant to subdivision 7601(4)(D) of this title, the ~~Court~~ court
8 shall make a finding that the conduct underlying the conviction under section
9 1201 of this title did not constitute a burglary into an occupied dwelling, as
10 defined in subdivision 1201(b)(2) of this title. The petitioner shall bear the
11 burden of establishing this fact.

12 Sec. 2. EFFECTIVE DATE

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

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18 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE