

1 S.86

2 Introduced by Senators Sears and Benning

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedure; expungement

6 Statement of purpose of bill as introduced: This bill proposes to reduce the
7 waiting period for expungement petitions for qualifying misdemeanors
8 carrying a penalty of one year imprisonment or less.

9 An act relating to expungement

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

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

12 § 7602. EXPUNGEMENT AND SEALING OF RECORD,

13 POSTCONVICTION; PROCEDURE

14 * * *

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

18 (1) At least five years have elapsed since the date on which the person
19 successfully completed the terms and conditions of the sentence for the
20 conviction, or if the person has successfully completed the terms and

1 conditions of an indeterminate term of probation that commenced at least five
2 years previously.

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

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

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

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

10 (h) Prior to granting an expungement or sealing under this section for
11 petitions filed pursuant to subdivision 7601(4)(D) of this title, the ~~Court~~ court
12 shall make a finding that the conduct underlying the conviction under section
13 1201 of this title did not constitute a burglary into an occupied dwelling, as
14 defined in subdivision 1201(b)(2) of this title. The petitioner shall bear the
15 burden of establishing this fact.

16 Sec. 2. EFFECTIVE DATE

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