
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 32 (H.460). Crimes and criminal procedures; criminal history records
An act relating to sealing and expungement of criminal history records

This act:

- expands the list of crimes a court may vacate if the person committed the criminal conduct as a result of being a victim of human trafficking;
- allows for sealing or expungement of criminal history records of convictions for possession of a controlled substance, uttering a forged or counterfeited instrument, burglary into an occupied dwelling under certain circumstances, and any offense for which a person has been granted an unconditional pardon from the governor;
- allows for sealing of criminal history records of convictions of a first DUI offense under certain circumstances and makes those records accessible to law enforcement for purposes of levying an enhanced penalty for a subsequent DUI offense;
- changes the timelines by which a court may order sealing or expungement of criminal history records when there is no conviction;
- changes the statutory requirements for the process by which criminal history records are expunged and sealed;
- establishes a special fund for the filing fees collected for petitions filed to seal a DUI record and makes those funds accessible to the Office of the Court Administrator, the Office of the State's Attorneys and Sheriffs, the Department of Motor Vehicles, and the Vermont Crime Information Center to offset the administrative costs of sealing those records;
- creates a 20-year lookback provision for DUI offenses, so that an enhanced civil or criminal penalty for a second or subsequent DUI offense may only be levied if the person committed an earlier DUI offense within the last 20 years;
- removes the required filing fee for petitions to expunge or seal any criminal history record except for petitions to seal a record of a first DUI offense;
- directs the Vermont Sentencing Commission to do a comprehensive assessment of the statutes governing sealing and expungement of criminal history records, including evaluating the appropriateness of making civil offenses and negligent operation of a motor vehicle

eligible for expungement or sealing, and requires the Commission to report to the Joint Legislative Justice Oversight Committee with recommendations to improve the sealing and expungement process and any additional crimes or civil offenses appropriate for expungement or sealing;

- directs the Joint Legislative Justice Oversight Committee to work with the Council of State Governments to review the expungement and sealing chapter and develop a comprehensive policy approach to helping people with criminal records to overcome barriers to employment and licensing;
- directs the Vermont Center for Crime Victim Services, the Office of Court Administrator, Vermont Legal Aid, and the Special Investigative Units to study the issue of requiring a person seeking expungement or sealing of a criminal history record to pay all associated surcharges prior to the court granting their petition and requires the group to report to the Joint Legislative Justice Oversight Committee with its findings; and
- directs the Attorney General, the Vermont Center for Crime Victim Services, and the Vermont Network Against Sexual and Domestic Violence to review the human trafficking statutes and make recommendations on proposed improvements to the General Assembly.

Multiple effective dates, beginning on July 1, 2019