

Vermont Legislative Joint Fiscal Office

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FISCAL NOTE

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H.460 An act relating to sealing and expungement of criminal history records – House Judiciary Recommendation of Amendment – Draft 1.1

<https://legislature.vermont.gov/Documents/2020/WorkGroups/House%20Ways%20and%20Means/Bills/H.460/W~Selene%20Colburn~H.460%20As%20Recommended%20Out%20of%20House%20Judiciary~3-15-2019.pdf>

Bill Summary

The bill would expand the number of qualifying crimes that are eligible for petitions to seal or expunge, it would make alterations to expungement and sealing procedures, and it would exempt motions to expunge or seal from the \$90 court filing fee.

Fiscal Impacts

The Vermont Judiciary estimates that the number of expungement/sealing requests would roughly double if this bill were to pass into law. The number of expungements is estimated to be approximately 1,400 in FY19 and the Judiciary believes there could be up to 3,000 in FY20, subject to the passage of this bill. The Judiciary also estimates that approximately 55% of expungement requests are already exempt from the \$90 filing fee based on income limitations. This means that approximately 630 petitions are subject to the fee annually under current law.

The Judiciary has requested 4 additional temporary positions within the context of the 2019 budget adjustment in order to address some of the increased workload surrounding previous expansions of expungement eligibility. If this bill were to pass, the need for additional staff would likely increase. The bill does not contain any provisions authorizing new positions or funding within the Judiciary to address workload changes.

Passage of this bill would result in approximately \$56,000 of lost General Fund revenue based on current annual expungement/sealing petitions subject to the filing fee. Additionally, the Judiciary would forgo new revenue of approximately \$65,000 due to the expansion of qualifying crimes eligible for expungement/sealing requests that would normally be subject to the filing fee. ***Total lost or forgone General Fund revenue in FY20 would be approximately \$116,000.*** This revenue loss would be magnified by the increased funding/staffing need due to the expanded number of expungement/sealing requests that the Judiciary would need to process annually.