

SUPREME COURT OF VERMONT  
OFFICE OF THE COURT ADMINISTRATOR

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TO: Daniel Dickerson, Fiscal Analyst, Joint Fiscal Office  
Timothy Metayer, Budget analyst, Finance & Management

FROM: Gregg Mousley 

DATE: March 19, 2019

RE: Fiscal Impact of H. 460 - Expungements

The Judiciary appreciates the opportunity to provide a fiscal impact statement on H. 460, An Act Relating to Sealing and Expungement of Criminal History Records. While a detailed analysis would take longer to complete, I can provide a rough estimate of the costs of H.460, both in terms of lost revenue and increased costs.

The estimated revenue for expungements and seals in FY19 is \$69,300. The estimated revenue for FY20 increases to \$148,500 given existing legislation that would expand the eligibility for expungements. This revenue would be lost if the fee is waived in all cases. The \$90 application fee is already waived in about 55% of applications based on income. I do not have the exact number of cases that receive a fee waiver, that would take additional research.

Also factored into this estimate is the BAA request of \$200,000 for staff to address the doubling of the expungement requests. During the 2018 session, the Legislature made changes to expand expungements. This resulted in an increase in the number of expungements from 719 per year to an estimated 1,400 in FY19. The Judiciary has requested in it's FY19 Budget Adjustment Request an additional \$200,000 for the hiring of temporary staff to address the increase in expungements.

Assumptions:

1. Expungements doubled between FY18 and FY19 due to the expansion of expungements. With additional legislation in FY20, assume another doubling of exp. cases.
2. Legislation will create a backlog of cases, but also increase cases permanently.
3. 55% fee waiver factored in. Exact percentage unknown until further research can be conducted.
4. Five temps needed for 1,400 expungement cases. If that increases, more positions may be needed, but **NOT** factored into this analysis.

	2018	2019 EST	2020 EST
Expungements	719	1,400	3,000
Revenue (@\$90/per)	\$ 64,710	\$ 126,000	\$ 270,000
Assume 55% get fee waiver	\$ 35,591	\$ 69,300	\$ 148,500
<b>Revenue Impact</b>			
Lost Revenue		\$ 69,300	\$ 148,500
<b>Expense Impact</b>			
4 FTE Temps		200,000	200,000
Total Impact on GF		\$ 269,300	\$ 348,500

The Judiciary highly recommends that the five temporary positions be converted to Limited Service positions. The Judiciary needs to adjust its processes and address an expected large backlog of applications over the next few years. This likely will take more than a year to complete and is not suitable work for temporary positions.