

Brynn – this may not include all of the current statutory language – we moved stuff around so many times it looked ridiculous so I just went with a cleaner version for you to incorporate into statutory changes.

Also, the effective date of 7609 language might need to be later – we need to hear from DOC re how soon they can implement this change – assuming they can.

13 V.S.A. § 7609 is amended to read:

(a) Procedure. The court's approval of a plea for an individual aged 18-21 shall indicate whether each charge is "qualifying" under 13 VSA 7601(4). Every month, the Department of Corrections shall submit to the court a list of 18-21 year olds who completed their sentences of qualifying crimes within the last 30 days. Except as provided in subsection (b) of this section, the record of the criminal proceedings for an individual who was 18-21 years of age at the time the individual committed a qualifying crime shall be expunged within 30 days after the date on which the court receives the report from the Department of Corrections, absent a finding of good cause by the court. Upon receipt of this list, the court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. A copy of the order shall be sent to each agency, department, or official named in the order. Thereafter, the court, law enforcement officers, agencies, and departments shall reply to any request for information that no criminal record exists with respect to such individual. Notwithstanding this subsection, the record shall not be expunged until restitution has been paid in full.

(b) Exceptions.



(1) A criminal record that includes both qualifying and nonqualifying offenses shall not be eligible for expungement pursuant to this section.

(2) The Vermont Crime Information Center shall retain a special index of sentences for sex offenses that require registration pursuant to chapter 167, subchapter 3 of this title. This index shall only list the name and date of birth of the subject of the expunged files and records, the offense for which the subject was convicted, and the docket number of the proceeding that was the subject of the expungement. The special index shall be confidential and shall be accessed only by the Director of the Vermont Crime Information Center and an individual designated for the purpose of providing information to the Department of Corrections in the preparation of a presentence investigation in accordance with 28 V.S.A. §§ 204 and 204a.

(c) Petitions. An individual who was 18-21 years of age at the time the individual committed a qualifying crime may file a petition with the court requesting expungement of the criminal history record related to the qualifying crime after 30 days have elapsed since the individual completed the terms and conditions for the sentence for the qualifying crime. The court shall grant the petition and issue an order sealing or expunging the record if it finds that sealing or expunging the record serves the interests of justice. (Added 2017, No. 201 (Adj. Sess.), § 2.)

