

SUPREME COURT OF VERMONT  
OFFICE OF THE COURT ADMINISTRATOR

GREGG MOUSLEY  
Chief of Finance and Administration  
Gregg.Mousley@vermont.gov



**Mailing Address**  
Office of the Court Administrator  
109 State Street  
Montpelier, VT 05609-0701

**Telephone** (802) 828-7305  
**FAX:** 802 828-3457

[www.vermontjudiciary.org](http://www.vermontjudiciary.org)

TO: Patricia Gabel  
State Court Administrator

FROM: Gregg Mousley *GM*  
Chief, Finance and Administration

DATE: September 2, 2020

RE: Financial Impact of S.234 Sec. A Draft 1.1

I have conducted an analysis of the potential operational and fiscal impact on the Judiciary in response to Draft 1.1 of the September 1 amendment of S.234. My analysis is limited to Sec. A, the expungement of marijuana criminal history records. I did not include the impact of Sec. B, the change of penalties for marijuana possession.

In February 2020, the Judiciary provided an estimate of the impact of similar expungement bills, including H. 251 and S. 114. In that statement, the Judiciary found that each marijuana expungement would take about 20 minutes to conduct, create a records retrieval fee of \$7.50 per case, and would require 1-2 additional staff to process the 12,101 records (2005 to present).

The estimate of the number of past marijuana expungements continues to be about 10,000. The Judiciary is currently converting systems in four counties and the best we can provide this week is an estimate of the number of cases. This is the number used in this estimate of the fiscal impact, but it could change once the new reporting system is verified. It should also be noted that S. 234 defines violations eligible for expungement as those occurring before January 1, 2021, and therefore cannot be quantified accurately.

We expect each case could take approximately 20 min to process, and that the record retrieval fees remain \$7.50 per record. In addition, the notification requirements could add three postage notifications per case, and perhaps more when mail is returned, and bad addresses are corrected.

S. 234, Sec. A would require approximately 3,333 hours to process. Assuming a 12-month timeframe to complete, that would require 1.6 FTEs at a cost of \$75,000 per position (including

benefits). The records retrieval cost is estimated at \$75,000 and postage at \$20,000. The impact to the Judiciary would be:

Fiscal Impact of S. 234, Sec. A draft 9/1/20

<b>Description</b>	<b>Cost</b>	<b>Comment</b>
Positions (inc. benefits)	\$150,000	2 FTE permanent positions
Retrieval Fee	\$ 75,000	Fee goes to VT State Archives
Postage	\$ 20,000	Due to notification req.
Total	\$245,000	

This cost is part of the overall expungement cost estimate provided in February of \$1,075,000. While this is a slightly different bill and the total number of cases is slightly different, the overall impact of the marijuana expungement is mostly unchanged from the February estimate.

Cc Judge Grearson, Chief Superior Judge  
Theresa Scott, Chief, Trial Court Operations