

Dear Madam Chair and Members of the House Committee on Judiciary:

I am writing as someone personally invested in the outcome of this committee's work pertaining to bill H.534 "An act relating to sealing criminal history records". Firstly, I would like to thank the committee for taking on such meaningful work - the benefits of passing transformative legislation like this will be exponentially positive for citizens and the state. I have been following the committee's work on advancing current law regarding sealing and/or expungement for the past two years and remain optimistic for the comprehensive outcome of Bill H.534. As someone with personal experience dealing with the emotional and physical toll of carrying a misdemeanor crime on a record, this bill stands to change the lives of so many deserving individuals, including myself. Thank you.

The reason for my email today is a plea to the committee to continue including 'Predicate Offense' in the definition of qualifying crimes eligible for sealing - and more specifically - include all 1st time misdemeanor traffic offenses as a qualifying crime. These traffic offenses fall within the category of 'predicate offense' and would end up being excluded (again) from eligibility should 'predicate offense'

be removed from the definition of a qualifying crime. The original version and current version 2.5 of bill H.534 includes Predicate Offenses in the definition of a qualifying crime, which is a major enhancement of this bill over previous legislation. However, the State's Attorney's most recent testimony asked that predicate offenses be excluded from the definition of qualifying crimes but acknowledged that it was a policy decision to be made by the committee - please don't make this change. All other testimony has been extremely supportive for making ALL misdemeanors eligible except for those specifically listed, and I've listened to multiple testimonies regarding the science and data that supports the recidivism rate for misdemeanor crimes after 3 years, and more serious felony crimes after

7 years, is no greater than the average person who has never committed a crime. I do not believe the science suggests that a misdemeanor labeled as 'predicate offense' would change the recidivism rate outcome making it more likely for someone to reoffend. To the best of my knowledge, a predicate offense doesn't classify a crime as being more serious, rather, it only allows for a larger penalty to be levied on an individual should that person reoffend. I'm hoping the committee feels this concept of predicate offense runs in contrast to the scope of positive change looking to be achieved with Bill H.534.

There are a number of these traffic related offenses (e.g. DUI, careless/negligent operation of a motor vehicle, excess speeding, etc) that would technically fall under the definition of 'predicate offense'. I'm hoping the committee's intent is to include these crimes as sealable within the scope of this bill, however, if predicate offenses become excluded from the definition of a qualifying crime, so would these traffic related misdemeanors. The committee has already addressed 1st offense DUI as being eligible for sealing after a 10-year waiting period, and in subsection 5301(7) there is specific reference to DUI and careless/negligent operation resulting in serious bodily injury or death that would not allow for sealing under this bill. However, 1st offense careless/negligent operation of a motor vehicle not resulting in death or serious bodily injury (which is a lesser crime than DUI), and other traffic offenses would end up being excluded from eligibility should 'predicate offense' be removed from the definition of a qualifying crime - again, please don't allow for this to happen and maintain the current definition of qualifying crime as defined in version 2.5 of this bill which allows all misdemeanor offenses to be eligible except those specifically listed. Or at the least, include in the definition of qualifying crimes 1st

time traffic offenses that did not result in serious bodily injury or death. This would result in a much more comprehensive qualifying crimes list and would positively impact so many individuals in this situation. It feels unfair to have the most serious traffic offense (DUI) be eligible but less serious traffic offense crimes not be eligible due to a classification issue.

To provide context into my personal situation, I have carried on my record a negligent operation of a motor vehicle misdemeanor for over 10 years, and it has emotionally impacted me every day since. Over the past 10+ years I have not so much as had a parking ticket let alone a worse offense. I was a young man in my 20's acting irresponsibly and didn't fully appreciate the impact my actions would have on the rest of my life. Nearly 11 years later I now have a wife and two beautiful children that I am sole provider for and there is not a day that passes where I don't feel anxious or depressed knowing that one day this could prohibit me from providing for my family to the best of my abilities. This was truly a one-time mistake during a different period in my life, but because this type of offense is categorized as a 'predicate offense' it has been excluded in previous legislation, and perhaps inadvertently. Being eligible to seal this record and providing me, and others like me, the confidence to check 'no' when asked about our backgrounds will quite literally change our lives forever and I cannot express to this committee how positive of an impact this change would have.

In closing, thank you for your time and for all your hard work and dedication shown to the people of Vermont. I hope my email finds its way to the committee and is taken into consideration as you look to move forward with this bill.

Sincerely,

Doug

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