From: Schirling, Michael <Michael.Schirling@vermont.gov>
Sent: Monday, April 18, 2022 4:06 PM
To: Maxine Grad <Mgrad@leg.state.vt.us>
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Subject: H. 534

Good afternoon, Madame Chair.

I am writing regarding the final version of H.534. I share in the frustration about the inability to find common ground on an improved and more unified system for sealing records. We are committed to achieving a simplified, workable version.

I hope we can build on the work done this year to arrive at a workable compromise next session. In the meantime, I wanted to let you know that the Department does not support expanding the existing sealing and expungement laws as proposed in the version of H. 534 now moving through the Senate. There seems to be broad agreement that the existing framework is overly complex, the result of years of amendments, and a piecemeal approach to the issue. The bill serves to expand that system significantly, and it does not address the unintended consequences of adding more than 20 felonies to the qualifying crimes eligible for sealing and expungement.

Specifically, it does not address the implications of adding serious financial crimes that affect the financial services industry, the added cost and workload associated with expanding the existing system, the destruction of records and loss of government entity access under expungement, the lack of clarity around government access to sealed records beyond criminal justice agencies (including certain background checks and the Child Protection Registry), and the effect of expungement on Brady-disqualifying felonies. These are concerns that have been raised beginning with S. 7 last session, and they remain outstanding with this bill.

The Department looks forward to seeking a sensible compromise on a comprehensive, simplified sealing bill, including appropriate government entity access. Perhaps we can continue that work in advance of next session.

As always, I am happy to discuss further if you wish.

Have a good weekend,

Mike