

Dear Jaye,

Attached is a redraft of S.7 Expungement that should address the administration's concerns.

I have also included below a summary of proposals along with brief paragraphs summarizing the effect of each. The page numbers below reference the Senate-passed version.

Finally, attached is a memo from the AGO regarding the administration's concerns. I look forward to continuing this discussion.

- Proposal: Explicitly exclude Title 13, Chapter 64 from expungement eligibility.
  - Effect: This would exclude from eligibility all offenses related to child sexual abuse materials, including misdemeanors.
- Proposal: delete subsection 1702(j) on pages 17-18 regarding all other non-listed felonies. Replace with language stating that other felonies not specified in the bill are not eligible for expungement or sealing.
  - Effect: this would limit the bill to those property and drug offense felonies that are explicitly enumerated in the bill. It would eliminate the administration's concern that many unknown or unconsidered felonies will be swept up by the bill. While this would limit the bill it would remain a huge expansion of expungement eligibility and giant step forward.
- Proposal: Provide that no expungement or sealing can be granted for someone currently under the supervision of DOC.
  - Effect: DOC raised this issue in testimony, and this would address their concern. The bill already provides safeguards against someone getting an expungement while they are under the supervision of DOC. But this would eliminate even a theoretical possibility of that happening.
- Proposal: delete subdivision 1702(a)(5) on page 10, regarding the issue of people who were required to complete restitution as a condition of probation.
  - Effect: This proposal has been a source of considerable confusion, apparently leading some to believe that people could be released from some of the obligations of their sentence. While the attorneys involved in drafting the provision agreed that is not true, and that its effect is modest, given how few people would benefit from this provision it might be reasonable to let it go in the interest of moving the bill. The beneficiaries of this provision would retain the ability to appeal to their SA to waive the timeline.

Regards,

Maxine

Maxine Grad, Chair  
House Committee on Judiciary  
Vermont General Assembly