



VERMONT LEGISLATIVE  
**Joint Fiscal Office**

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## Fiscal Note

March 17, 2022

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### **H.729 An act relating to miscellaneous judiciary procedures**

As introduced

URL for bill: <https://legislature.vermont.gov/Documents/2022/Docs/BILLS/H-0729/H-0729%20As%20Introduced.pdf>

#### **Bill Summary**

The bill proposes various changes to judiciary procedures. Provisions with potential impacts to State revenues and/or expenditures are as follows:

- Sec. 5 – Proposes a new \$1,000 civil penalty for knowingly disclosing a sealed criminal history record.
- Sec. 6 – Proposes to exempt from the \$90 court filing fee all sealing requests under 33 V.S.A. §5119(g), pertaining to individuals that were convicted of crimes under the age of 25.
- Sec. 32 – Proposes extending the sunset for the Vermont Sentencing Commission for one year, from July 1, 2022 to July 1, 2023.

#### **Fiscal Impacts**

This bill is estimated to have a negligible impact to the revenues and expenditures of the State.

#### **Background and details**

##### Section 4:

As noted above, this section proposes to enact a new \$1,000 penalty for instances of the knowing disclosure of sealed criminal history records. JFO typically does not estimate potential revenues for new or increased penalties as these are typically enacted to deter undesirable activities/outcomes. Any revenue from this penalty would be collected by the Judicial Bureau and deposited in the General Fund. *No estimated fiscal impact.*

##### Section 6:

This section proposes to clarify that in the case of a motion to seal a criminal history record, the only instance in which the \$90 court filing fee in 32 V.S.A. §1431(e) would be levied on such a motion would be when the criminal history relates to driving under the influence of alcohol. The bill specifically proposes to exempt motions under 33 V.S.A. §5119(g), which pertain to individuals convicted of crimes under the age of 25, from the filing fee. This provision is in practice in most courts throughout the State, so any reduction in

revenues from the clarifying language is estimated to be minimal. These revenues are deposited in the General Fund. *Negligible fiscal impact.*

**Section 32:**

This provision proposes to extend the sunset of the Vermont Sentencing Commission for one year, to July 1, 2023. Legislative and public members of the Commission are eligible to receive per diems and expenses for meetings. Most members of the Commission are State employees who would be paid for their time at meetings. Any costs relating to extending the Commission are estimated to be negligible. These costs come out of the General Fund, either through the Judiciary budget for public members, or the Legislature's budget for legislative members. *Negligible fiscal impact.*