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H.729

Senators Sears, Baruth, Benning, Nitka and White move that the Senate proposal of amendment be amended by striking out Secs. 5 and 6 in their entireties and inserting in lieu thereof three new sections to be Secs. 5, 5a, and 6 to read as follows:

Sec. 5. 13 V.S.A. § 7606 is amended to read:

§ 7606. EFFECT OF EXPUNGEMENT

(a) Order and notice. Upon finding that the requirements for expungement have been met, the court shall issue an order that shall include provisions that its effect is to annul the record of the arrest, conviction, and sentence and that such person shall be treated in all respects as if ~~he or she~~ the person had never been arrested, convicted, or sentenced for the offense. The court shall provide notice of the expungement to the respondent, Vermont Crime Information Center (VCIC), the arresting agency, the Restitution Unit of the Vermont Center for Crime Victim Services, and any other entity that may have a record related to the order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation’s National Crime Information Center.

* * *

1 Sec. 5a. 13 V.S.A. § 7607 is amended to read:

2 § 7607. EFFECT OF SEALING

3 (a) Order and notice. Upon entry of an order to seal, the order shall be
4 legally effective immediately and the person whose record is sealed shall be
5 treated in all respects as if ~~he or she~~ the person had never been arrested,
6 convicted, or sentenced for the offense and that its effect is to annul the record
7 of arrest, conviction, and sentence. The court shall provide notice of the
8 sealing to the respondent, Vermont Crime Information Center (VCIC), the
9 arresting agency, the Restitution Unit of the Vermont Center for Crime
10 Victims Services, and any other entity that may have a record related to the
11 order to seal. The VCIC shall provide notice of the sealing to the Federal
12 Bureau of Investigation's National Crime Information Center.

13 * * *

14 (f) Upon request, the Victim's Compensation Program shall be provided
15 with a copy, redacted of all information identifying the offender, of the
16 affidavit for the sole purpose of verifying the expenses in a victim's
17 compensation application submitted pursuant to section 5353 of this title.

18 (g) The sealing of a criminal record shall not affect the authority of the
19 Restitution Unit to enforce a restitution order in the same manner as a civil
20 judgment pursuant to subdivision 5362(c)(2) of this title.

1 Sec. 6. 13 V.S.A. § 7611 is added to read:

2 § 7611. UNAUTHORIZED DISCLOSURE

3 A State or municipal employee or contractor or any agent of the court,
4 including an attorney and an employee or contractor of the attorney, who
5 knowingly accesses or discloses sealed criminal history record information
6 without authorization shall be assessed a civil penalty of not more than
7 \$1,000.00. Each unauthorized disclosure shall constitute a separate civil
8 violation.