

**Vermont Center for Crime Victim Services**  
60 South Main Street, Suite 1  
Waterbury, VT 05676-1599  
[www.ccvv.vermont.gov](http://www.ccvv.vermont.gov)

[phone] 802-241-1250  
[phone] 800-750-1213  
[fax] 802-241-1253

**TO:** Members of the House Judiciary Committee  
**FROM:** Jennifer Poehlmann, JD  
Executive Director, Vermont Center for Crime Victim Services  
**RE:** H.655  
**DATE:** March 13, 2024

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I am writing to express the support of the Vermont Center for Crime Victim Services for H.655, Draft 2.1. The language reflects years of conversation and compromise. The Center continues to recommend that Vermont adopt a single-tier system focused on sealing – while expanding the list of eligible crimes, limiting access to those records, streamlining the process for sealing some records and ensuring future conversations are devoted to additional ways to expedite this process.

When I testified, I identified three specific areas in the original version where the Center advocated for change.

- Including Cruelty to a Child under 13 VSA §1304(a) and Sexual Exploitation of a Child under 13 VSA §3252(b). **Those crimes have been included in Draft 2.1.**
- Originally, Section §7602(a)(2) allowed either the State’s Attorney or the Attorney General’s Office to serve as the respondent upon the filing of a petition. The Center strongly advocated that the language should read that the default is to ensure that the office that originally handled the matter serves as the respondent unless otherwise agreed to.

As stated, the Center’s position was based upon the fact that the prosecuting entity knows the case, knows the offender, and has a relationship with the victim. In our opinion, it makes no sense to create a system that lacks clarity in terms of how these matters are addressed. This Body has provided similar language in other bills and areas of law. Additionally, this Committee heard that prosecuting entities already have systems in place for working this out informally. The statute should be clear. **This language is included in Draft 2.1, page 15, lines 15-17.**

- Ensure that practitioners are involved in considering and proposing policies relating to petitionless sealing. **This language is included in Section 5 of Draft 2.1.** The Center is looking forward to reviewing these proposals as they are presented to the Joint Committee on Justice Oversight regarding their impact on victim voice and notification.



Finally, in listening to testimony offered by Colonel Justin Stedman on March 13, 2024, I know the issue of restitution was raised, specifically issues regarding the intersection of the Center’s Restitution Unit and instances where restitution is owed to the Department of Fish and Wildlife. In cases where the person charged or ticketed chooses not to contest the restitution calculated and sought to be imposed and pays that fine, we are not involved at all. The Court takes those payments, and it is our understanding that it disburses them directly to the Department. Where that amount is contested, that will result in the issuance of a Restitution Judgment Order. In those cases, that order may come to us instead of Fish and Wildlife. We do remit any funds collected to the Department, but those payments go to their Central Office; we do not know what takes place from that point. We can run reports for the Department at any time if they have questions and have done so in the past. The Unit has a valuable partnership with the Department and looks forward to future collaboration.

One piece relative to restitution that the Center noted was struck in H.655 is on page 23, §7607: Effect of Sealing. On line 13, the notice provision upon entry of an order to seal that would be provided directly to the Restitution Unit was struck. Admittedly, I am unclear as to why that is the case. A system that relies upon other parties to provide us with notice of a sealing order leaves our Unit in a difficult place, potentially exposing us to liability. **The Center respectfully requests that the Restitution Unit is also provided with direct notice by the courts in these situations.**

The Center sincerely appreciates the Committee’s commitment to this issue over the years and its dedication to achieving a balance that, while limiting access, provides an expanded and meaningful opportunity for a second chance.

