

Journal of the House

Wednesday, February 25, 2026

At three o'clock and thirty minutes in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Bram Kleppner of Burlington.

Message from the Senate No. 20

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 545. An act relating to issuing immunization recommendations.

And has concurred therein with a proposal of amendment in the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 42. Joint resolution condemning the Russian Federation's military and political actions in Ukraine and especially their impact on Ukrainian children.

In the adoption of which the concurrence of the House is requested.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee or placed on the Notice Calendar as follows:

H. 913

By Reps. Stevens of Waterbury, Arsenault of Williston, Bluemle of Burlington, Branagan of Georgia, Campbell of St. Johnsbury, Chapin of East Montpelier, Headrick of Burlington, Logan of Burlington, Masland of Thetford, Page of Newport City, Pouech of Hinesburg, Scheu of Middlebury, and Sibilias of Dover,

House bill, entitled

An act relating to prohibiting certain prediction markets securities

To the Committee on Government Operations and Military Affairs.

H. 914

By Reps. Boutin of Barre City and Waszazak of Barre City,

House bill, entitled

An act relating to compensating the City of Barre for overpayment of education property tax increment

To the Committee on Ways and Means.

H. 915

By the Committee on Ways and Means,

House bill, entitled

An act relating to establishing an extended producer responsibility program for beverage containers

Pursuant to House Rule 35(a), affecting the revenue of the State, referred to the Committee on Ways and Means.

H. 916

By Rep. Olson of Starksboro,

House bill, entitled

An act relating to Education Fund expenditures review

To the Committee on Education.

Action on Bill Postponed

H. 205

House bill, entitled

An act relating to agreements not to compete

Was taken up and, pending third reading, on motion of **Rep. Duke of Burlington**, action on the bill was postponed one legislative day.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 639

House bill, entitled

An act relating to genetic data privacy

H. 694

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Bennington concerning the Town Manager

H. 907

House bill, entitled

An act relating to legislative review of reporting requirements

Second Reading; Bill Amended; Third Reading Ordered**H. 566**

Rep. Oliver of Sheldon, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to sealing post-charge court diversion records upon successful completion

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 163 is amended to read:

§ 163. JUVENILE COURT DIVERSION PROGRAM

* * *

(f) Records; deletion and ~~expungement~~ sealing.

* * *

(5) Post-charge diversion records ~~expungement~~ sealing. Within 30 days after the two-year anniversary of a successful completion of post-charge diversion, the court shall provide notice to all parties of record of the court's intention to order the ~~expungement~~ sealing of all court files and records, law enforcement records, fingerprints, and photographs other than entries in the court diversion program's centralized filing system applicable to the proceeding. However, the court shall not order ~~expungement~~ sealing if the

participant does not satisfy each of subdivisions (A)–(C) of this subdivision. The court shall give the State’s Attorney an opportunity for a hearing to contest the ~~expungement~~ sealing of the records. The court shall ~~expunge~~ seal the records if it finds:

(A) two years have elapsed since the successful completion of the juvenile post-charge diversion program by the participant;

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction; and

(C) the participant does not owe restitution related to the case.

~~(6) Expungement of sealed records. The court may expunge any records that were sealed pursuant to this subsection prior to July 1, 2018 unless the State’s Attorney’s office that prosecuted the case objects. Thirty days prior to expunging a record pursuant to this subdivision, the court shall provide written notice of its intent to expunge the record to the State’s Attorney’s office that prosecuted the case. [Repealed.]~~

(7) Post-charge diversion case index.

(A) The court and the Office of the Attorney General shall keep a special index of post-charge diversion cases that have been ~~expunged~~ sealed pursuant to this section together with the ~~expungement~~ sealing order. The index shall list only the name of the person convicted of the offense, the person’s date of birth, the docket number, date of case closure, the court of jurisdiction, and the offense that was the subject of the ~~expungement~~ sealing.

(B) The special index and related documents specified in subdivision (A) of this subdivision (7) shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(C) Inspection of the ~~expungement~~ sealing order and the certificate may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(D) The Court Administrator shall establish policies for implementing subdivisions (5)–(9) of this subsection (f).

~~(8) Effect of expungement sealing. Except as otherwise provided in this section, upon the entry of an order expunging files and records under this section, the proceedings in the matter shall be considered never to have occurred; all index references thereto shall be deleted; and the participant, the~~

~~court, law enforcement officers and departments, prosecutors, the referring entity, and the diversion program shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the order shall be sent to each agency, entity, or official named therein~~ Procedures for sealing, the effect of sealing, and access to sealed records shall be as provided in 13 V.S.A. § 7607.

(9) ~~Expungement~~ Sealing applicability. The process of automatically ~~expunging sealing~~ records as provided in this section shall only apply to those persons who completed diversion on or after July 1, 2002 2026. ~~Any person who completed diversion prior to July 1, 2002 must apply to the court to have the person's records expunged.~~ Expungement Sealing shall occur if the requirements of subdivisions (5)–(8) of this subsection (f) are met.

* * *

Sec. 2. 3 V.S.A. § 164 is amended to read:

§ 164. ADULT COURT DIVERSION PROGRAM

(a) Purpose.

(1) The Attorney General shall develop and administer an adult court diversion program, for both pre-charge and post-charge referrals, available in all counties.

(2) The program shall be designed to provide a restorative option for persons alleged to have caused harm in violation of a criminal statute or who have been charged with violating a criminal statute as well as for victims or those acting on a victim's behalf who have been allegedly harmed by the person referred to the program. The diversion program can accept referrals to the program as follows:

(A) Pre-charge by law enforcement or prosecutors pursuant to a policy adopted in accordance with subdivisions ~~(e)(1)–(2)~~ (c)(1) and (2) of this section.

(B) Post-charge by prosecutors for persons charged with a first or a second misdemeanor or a first nonviolent felony, or other offenses as the prosecutor deems appropriate, pursuant to subdivision (c)(3) of this section.

(C) Post-charge by prosecutors of persons who have been charged with an offense and who have substance abuse or mental health treatment needs regardless of the person's prior criminal history record, except a person charged with a felony offense that is a crime listed in 13 V.S.A. § 5301(7) shall not be eligible under this section. Persons who have attained 18 years of age who are subject to a petition in the Family Division pursuant to 33 V.S.A. chapter 52 or 52A shall also be eligible under this section. Programming for

these persons is intended to support access to appropriate treatment or other resources with the aim of improving the person's health and reducing future adverse involvement in the justice system.

* * *

(f) Records; deletion and expungement sealing.

* * *

(5) Post-charge diversion records expungement sealing. Within 30 days after the two-year anniversary of a successful completion of adult post-charge diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement sealing of all court files and records, law enforcement records, fingerprints, and photographs other than entries in the adult court diversion program's centralized filing system applicable to the proceeding. However, the court shall not order expungement sealing if the participant does not satisfy each of subdivisions (A)–(C) of this subdivision. The court shall give the State's Attorney an opportunity for a hearing to contest the expungement sealing of the records. The court shall expunge seal the records if it finds:

(A) two years have elapsed since the successful completion of the adult post-charge diversion program by the participant;

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction; and

(C) the participant does not owe restitution related to the case.

~~(6) Expungement of sealed records. The court may expunge any records that were sealed pursuant to this subsection prior to July 1, 2018 unless the State's Attorney's office that prosecuted the case objects. Thirty days prior to expunging a record pursuant to this subdivision, the court shall provide written notice of its intent to expunge the record to the State's Attorney's office that prosecuted the case. [Repealed.]~~

(7) Post-charge diversion case index.

(A) The court and the Office of the Attorney General shall keep a special index of post-charge diversion cases that have been expunged sealed pursuant to this section together with the expungement sealing order. The index shall list only the name of the person convicted of the offense, the person's date of birth, the docket number, date of case closure, location of programming, and the criminal offense that was the subject of the expungement sealing.

(B) The special index and related documents specified in subdivision (A) of this subdivision (7) shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(C) Inspection of the ~~expungement~~ sealing order and the certificate may be permitted only upon petition by the person who is the subject of the case. The Chief Superior Judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(D) The Court Administrator shall establish policies for implementing subdivisions (5)–(9) of this subsection (f).

~~(8) Effect of expungement sealing. Except as otherwise provided in this section, upon the entry of an order expunging files and records under this section, the proceedings in the matter shall be considered never to have occurred; all index references thereto shall be deleted; and the participant, the court, law enforcement officers and departments, prosecutors, the referring entity, and the diversion program shall reply to any request for information that no record exists with respect to such participant inquiry in any matter. Copies of the order shall be sent to each agency, entity, or official named therein. Procedures for sealing, the effect of sealing, and access to sealed records shall be as provided in 13 V.S.A. § 7607.~~

(9) ~~Expungement~~ Sealing applicability. The process of automatically ~~expunging~~ sealing records as provided in this section shall only apply to those persons who completed diversion on or after July 1, 2002 2026. Any person who completed diversion prior to July 1, 2002 must apply to the court to have the person's records ~~expunged~~. Expungement Sealing shall occur if the requirements of this subsection are met.

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Sec. 3. BURLINGTON COMMUNITY JUSTICE CENTER; ADULT
DIVERSION PILOT; CRIMINAL MUNICIPAL ORDINANCE
VIOLATIONS

Notwithstanding the limitation in 3 V.S.A. § 164(a)(2) relating to restorative options for persons alleged to have caused harm in violation of a criminal statute or who have been charged with violating a criminal statute, the referral of criminal municipal ordinance violations to the Burlington Community Justice Center is authorized under 3 V.S.A. § 164 from January 1, 2026, until July 1, 2027.

Sec. 4. EFFECTIVE DATES

(a) This section and Sec. 3 shall take effect on passage.

(b) Secs. 1 and 2 shall take effect on July 1, 2026.

Rep. Masland of Thetford, for the Committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the Committee on Judiciary.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Judiciary agreed to, and third reading ordered.

Action on Bill Postponed**H. 635**

House bill, entitled

An act relating to eliminating Department of Corrections supervisory fees

Was taken up and, pending second reading, on motion of **Rep. Emmons of Springfield**, action on the bill was postponed one legislative day.

Adjournment

At four o'clock and one minute in the afternoon, on motion of **Rep. McCoy of Paultney**, the House adjourned until tomorrow at three o'clock and thirty minutes in the afternoon.