

**Supreme Court of Vermont  
Office of the State Court Administrator**

**THERESE M. CORSONES, ESQ.**  
State Court Administrator  
*therese.corsones@vtcourts.gov*

**OFFICE OF THE STATE COURT ADMINISTRATOR**  
109 State Street  
Montpelier, VT 05609-0701  
**Telephone:** (802) 828-3278



**LAURIE CANTY**, Chief, Trial Court Operations  
*laurie.canty@vtcourts.gov*  
**GREGG MOUSLEY**, Chief, Finance & Administration  
*gregg.mousley@vtcourts.gov*  
**SCOTT GRIFFITH**, Chief, Planning and Court Services  
*scott.griffith@vtcourts.gov*  
**MARCIA SCHELS**, Chief Technology Innovation Officer  
*marcia.schels@vtcourts.gov*

*www.vermontjudiciary.org*

TO: Rep. Martin LaLonde, Chair  
Rep. Thomas Burditt, Vice Chair  
Rep. Kevin “Coach” Christie, Ranking Member  
Rep. Angela Arsenault  
Rep. Karen Dolan  
Rep. Ian Goodnow  
Rep. Kenneth Goslant, Clerk  
Rep. Zachary Harvey  
Rep. Alicia Maley  
Rep. Thomas Oliver  
Rep. Barbara Rachelson

FROM: Teri Corsones, State Court Administrator  
Thomas A. Zonay, Chief Superior Judge

DATE: February 26, 2026

RE: H. 382

Thank you for the opportunity to comment on the feasibility of compliance with the proposed data reporting provisions in H.382 that involve the Judiciary. Based on a preliminary review, compliance would place significant strain on available staff resources and budget funds, making compliance highly challenging from a cost, capacity, and public access perspective. We further note that additional staff and budget funds will be required to be able to perform and maintain this report and to make the necessary data changes.

Below is a copy of the proposed provisions affecting the Judiciary, followed by a listing of the issues, impacts, and challenges that we have identified to date. We would appreciate the chance to testify in more detail if needed.

**H.382 – Section 2 – 4 VSA §42 is added to read:**

(a)(1) Beginning on August 1, 2028 and quarterly thereafter, the Judiciary shall issue a report on all of the following data from the previous year relating to:

(A) pretrial release determination for individuals, including the amount of bail set and non-monetary conditions of release, if any; (B) sentence type and length imposed by the court, including minimum and maximum sentence imposed, and conditions of probation or other supervision or resolution; and (C) the number of cases diverted from prosecution.

(2) All data required by subdivision (1) of this subsection shall identify the county of the proceeding, the presiding judge, the charge or charges, and the individual's age, race, gender, and state of last residence. (b) The Judiciary shall post the report electronically on its website in a manner that is easily understandable and accessible to the public.

**Issues/Impacts/Challenges**

Below is a list of the issues, impacts, and challenges identified to date during a preliminary review conducted by court personnel, website staff, and the Data Services Team, all of whom would be involved in the proposed data reporting.

- This information would be voluminous. There are thousands of criminal cases filed each year, so having a year's worth of filed cases would be a huge amount of data. In 2023 there were 11,483 criminal cases filed. In 2024 there were 12,878 criminal cases filed. In 2025 there were 13,944 criminal cases filed. These figures are for felonies and misdemeanors, only, and not other criminal case types.
- Once information is posted on a website, it remains searchable and available. If we post cases pre-adjudication that are later sealed or expunged, that information will

still be searchable. In today's world there are many tools, including AI, available for searching, site scraping and analyzing information that were not available in the past.

- Our race reporting does not line up with census data. We are reliant on what is reported by law enforcement. Law enforcement often do not report this information. As such, race data is not robustly reported, accurate, or complete, and relies often on either a law enforcement officer's observations or self-reporting.
- Non-monetary conditions of release often include identifying information that could lead to the defendant's identity and often includes the names of victims and witnesses to the case.
- There are currently no reports that combine the requested data elements and allow you to search for age, race, gender, state of residence, charges, conditions, bond, sentence, Diversion, etc.
- Diversion cases are confidential. As such, other than providing the number of cases or case types sent to Diversion we cannot provide information about a case once a Diversion referral is made.
- Criminal cases after arraignment are also sometimes transferred to juvenile court which would make them confidential. Those cases would also need to be removed from the posted report and we are at risk of that information still being searchable or one not being removed timely.
- Sentencing information to include probation information would also contain conditions that list sensitive information such as victim identification.
- There are security concerns which arise out of listing presiding judge information for each case on a public website. Further, "presiding judge" data would be very difficult to report given that judges can change over the lifetime of the case. This happens regularly in the larger criminal dockets.
- Is it intended that defendant's names will be included with this information? If so, that would circumvent current statutory prohibitions against public access, though

we understand that there may be legislation to change this prohibition and have the Court assess and address through rulemaking what access to criminal cases should eventually be made available.

- With the number of data points being requested for each case, it would be a very complicated spreadsheet to read. It would be a challenge to make any such document “easily understandable” and what would be needed to meet this requirement is unclear from the proposed statute.
- With approximately 852 sealing and expungement cases per month, that would mean that staff would have to use whatever mechanism is outlined to remove those cases from the posted reports each month. The removals could be from any of the three data streams – the pretrial, Diversion, or disposed cases (pretrial dismissals are a significant number of cases that are sealed). The need to constantly update the posted report to remove cases that are sealed or expunged would significantly increase the amount of staff time needed to maintain the report and would require additional staff positions.
- To prepare for this extent of data reporting would require a multi-month undertaking that would require resources beyond the Data Services Team. We would need to work closely with the Application Services Team and Trial Court Operations to build this dataset. Documenting where information is entered in EJ/Odyssey, identifying the "right" records for each dataset (especially if there are multiples), determining the appropriate granularity – all these factors would make this a challenging, costly and monumental effort necessitating significant staff time and requiring additional staff positions.
- Many existing processes would need to change as a result of the proposed reporting requirements, such as changing our conditions to remove any identifying information which may well lead them to be unenforceable and remove protections intended to be included. We are not allowed to disclose the identities of minor victims to a case pursuant to Vermont Rules of Public Access Rule 6(8) which includes (v) in a criminal case, the name of an alleged victim who was a minor on the date of the offense. Additionally, 12 V.S.A. § 5 indicates (a) The Court shall not permit public access via the internet to criminal, family, or probate case records.

- There are three separate streams of data, “pre-trial release”, “diversion”, and “sentencing”.
- Sentencing information – A sentence can be changed, in particular in the case of a probation violation. This would require manually identifying and updating the particular sentence each time such a change may occur.
- Conditions of release – Sometimes these are fairly standard, but many times they are negotiated and are more “free-text” with a lot of compromising data, especially related to parties that are not the defendant.
- Previous year – It is unclear what is meant by the “previous year.” Is it a calendar year, fiscal year, or rolling year?
- There are numerous case confidentiality concerns in pre-arraignment cases and in Diversion and juvenile cases in particular.
- Small sample sizes – even if we provide aggregate data, due to some of the smaller case volumes in certain counties, machine learning algorithms or knowledgeable humans would likely be able to back trace the data to derive the individuals and victims involved in specific cases.
- If our resources are working on this, there would be other projects that would be significantly delayed; day-to-day operations would also be impacted.
- While it is clear that additional staff and budget funds will be required if this bill were to be enacted, given the preliminary nature of our review to provide information to the Committee today we are not yet able to identify the actual number of staff and additional budgeted funds which would be required for the Judiciary to meet the requirements under the proposed statute.