

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 566
3 entitled “An act relating to sealing post-charge court diversion records upon
4 successful completion” respectfully reports that it has considered the same and
5 recommends that the bill be amended as follows:

6 First: In Sec. 1., 3 V.S.A. § 163, by striking subdivision (f)(8) in its entirety
7 and inserting in lieu thereof the following:

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

18 Second: In Sec. 2, 3 V.S.A. § 164, in subdivision (a)(2) by striking the
19 words “or municipal ordinance” wherever they appear

20 Third: In Sec. 2, 3 V.S.A. § 164, by striking subdivision (f)(6) in its
21 entirety and inserting in lieu thereof the following:

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 [Repealed.]~~

7 Fourth: In Sec. 2, 3 V.S.A. § 164, by striking subdivision (f)(8) in its
8 entirety and inserting in lieu thereof the following:

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

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4 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE