

**Testimony to:** House Judiciary

**Testimony provided by:** Lauren Layman, General Counsel, Vermont Department of Health

**Subject:** S.12- An act relating to sealing criminal history records

**Date:** April 25, 2025

The Vermont Emergency Medical Services (EMS) office and the Board of Medical Practice (BMP), both of which are located in the Department of Health, are each responsible for accepting and reviewing license applications for relevant professionals, making licensing decisions, and investigating complaints and disciplining professional licensees. In this role, the EMS office and the BMP receive criminal history records from applicants and licensees, records that may be subject to the expunged or sealed in accordance with State law as amended by S. 12.

The Department seeks several minor amendments to S. 12 to help the EMS office and the BMP administer the licensing programs in accordance with S. 12. The Department does not seek any amendments that would exempt the EMS office or the BMP from sealing records pursuant to court notices. Our goal with these proposed amendments is solely to ensure that licensing entities, including the EMS office and the BMP, receive notice of sealing orders in order to effectively implement the requirements of S. 12. The Department worked closely with the Office of Professional Regulation to align our recommendations.

#### Proposed Amendments

§ 7602. *EXPUNGEMENT AND SEALING OF RECORD, POSTCONVICTION; PROCEDURE*  
(a) *Petition.*

\* \* \*

(4) *The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner an order of sealing and provide notice of the order in accordance with this section to all entities provided by the petitioner and § 7607(a).*

§ 7607. *EFFECT OF SEALING*

(a) *Upon entry of an order to seal, the court shall send a copy of any order sealing a criminal history record to all of the parties and attorneys*





*representing the parties, including to the prosecuting agency that prosecuted the offense, the Vermont Crime Information Center (VCIC), the arresting agency, and any other entity identified by the petitioner that may have a record subject to the sealing order.*

\* \* \*

(d) Process.

\* \* \*

(4) When a sealing order is issued by the court, any person or entity, except the court, that possesses criminal history records and that has been provided the sealing order, either by the court or by the individual whose record was sealed, shall: (A) bar viewing of the sealed offense in any publicly accessible database that it maintains or remove information pertaining to the sealed records from any publicly accessible database that the person or entity maintains...

These amendments would facilitate notification to the Court and, subsequently, the Court's notification to relevant government entities about relevant sealing or expungement orders. Currently, if an applicant or the Court submits a sealing or expungement order, the licensing entity is able to seal the records. In the past, however, licensing and other government entities holding criminal history records have not always been notified about applicable sealing or expungement orders. By having a petitioner inform the Court about entities that may have relevant records, the Court can then provide the necessary notice of sealing or expungement orders, and government entities can implement the requirements of S.12 and other applicable law.

Alternatively, to comply with S. 12, government entities would be required to seek out information about sealing or expungement orders or the courts would need to notify the licensing agencies about all sealed or expungement orders. The latter option would be administratively burdensome for the courts and government entities. Both options would contradict the policy behind expungement and sealing, providing uninvolved government entities with more information about people's criminal history than is needed to perform their duties and give effect to relevant court orders.

Thank you for considering these amendments to S. 12. The Department is happy to answer any questions or discuss the amendments further.

