



April 29, 2025

House Committee on the Judiciary  
Vermont State House  
115 State Street  
Montpelier, VT 05633

Re: *S. 12, an act relating to sealing criminal history records*

Dear Chair LaLonde and Members of the Committee:

I write on behalf of Mad Freedom, Inc., a human and civil rights advocacy organization whose mission is to end the discrimination and oppression of people based on perceived mental state.

Our constituents experience the justice system both as victims of crime and, like every demographic, as criminal defendants. We write to urge you to revise S. 12, an act relating to sealing criminal history records, to end the use of expungement for court diversion cases and substitute sealing instead.

### **Why the bill needs one more step**

As introduced, S. 12 commendably shifts most criminal history relief from expungement to sealing, yet it explicitly preserves expungement for diversion outcomes. Expungement permanently destroys every court and law enforcement record; after the purge, victims, journalists, researchers, and future regulators cannot even confirm that a case ever existed. Sealing, by contrast, hides the record from public view while preserving an official, truth-bearing archive accessible to courts, law enforcement, and victims' and their counsel with proper authorization. In our view, sealing fully supports a "second chance" for the defendant without erasing the victim's story or the historical record.

### **A concrete harm**

Several years ago, ER Nurse Michael Corbett assaulted a psychiatric patient. Nurse Corbett denied the allegation, alleging instead that the patient had assaulted him. Law enforcement did not pursue the charge until a video surfaced, confirming the patient's account. The case went to court diversion and was later expunged. When the Legislature considered a bill on violence against health care workers, MadFreedom sought to present that incident to illustrate the

[ POST OFFICE BOX 38 • POULTNEY, VT 05764-0038 • T: (802) 779-0570 • F: (802) 775-5284 ]

[ INFO@MADFREEDOM.ORG • WWW.MADFREEDOM.ORG ]

reciprocal violence psychiatric patients sometimes suffer. That vanished footage would also have shown how routinely psychiatric patients are disbelieved—a critical point because the bill then under debate empowered police to make warrantless arrests for unwitnessed misdemeanors based solely on a health care worker’s word, further disadvantaging victims who already face profound testimonial injustice.

Because the case files—and even the security camera video that proved the nurse had lied—had been expunged, the evidence was unavailable. This distorted the policy discussion and silenced the victim.

### **The amendment we request**

We respectfully ask the Committee to amend S. 12 by:

- Amending §7603 so that the word “**expunging**” is replaced with “**sealing**,” and the cross-reference to the expungement section (§ 7606) is replaced with the sealing section (§ 7607).

That single change removes the automatic expungement trigger for diversion dismissals while still giving defendants the “second chance” protection of a sealed record and preserving access for victims, the courts, and law enforcement when needed.

This narrow change would:

- Preserve victims’ ability to obtain restitution information, protective order history, or basic confirmation that a complaint was filed.
- Maintain prosecutorial, judicial, and regulatory accountability in the rare instances where diversion-eligible offenses later reveal patterns of abuse.
- Still allow defendants to lawfully deny ever having been charged, ensuring meaningful second chances in employment, housing, and education.

### **Closing**

Psychiatric survivors know what it means to be stigmatized by a record—and to be re-traumatized when the system hides the truth of abuse. Sealing strikes the balance: it lifts collateral consequences without erasing history or silencing victims. We therefore urge you to amend S. 12 so that diversion outcomes are sealed, not expunged.

House Committee on the Judiciary

Re: *S.12, an act relating to sealing criminal history records*

April 29, 2025

Page 3

Thank you for your attention and for your commitment to a justice system that honors both “second chances” and truth.

Respectfully submitted,

A handwritten signature in blue ink that reads "Wilda L. White". The signature is written in a cursive, flowing style.

Wilda L. White  
Founder