

Draft 1.3, Sealing, Justice Oversight

Definition of qualifying crime

- **Does not** include any listed crimes (13 V.S.A. § 5301) or violations of chapter 64 of title 13 relating to sexual exploitation of children
- **Does** include most misdemeanors except certain offenses listed on pages 7 and 8 of draft
- **Does not** include most felonies
- **Does** include designated felony property offenses as listed on pages 9 and 10 of draft
- **Does** include burglary into occupied dwelling by person 25 yrs or younger provided no weapon involved
- **Does** include lowest level of felony offenses related to sale, dispensing, transport of drugs
- **Does** include offenses for which person has been granted unconditional pardon

Categories of crimes for sealing; conditions

- Qualifying predicate misdemeanors and possession of a regulated drug misdemeanors
 - Five years from date person satisfied judgment
- Qualifying predicate misdemeanors (no DUI)
 - Five years from date person satisfied judgment
- Offenses that are no longer prohibited by law
 - No specific time, but person must have satisfied judgment
- Qualifying DUI offenses
 - 10 years from date person satisfied judgment
 - Only one DUI
- Burglary into an occupied dwelling by a person 25 years of age or under
 - 15 years from date person satisfied judgment
 - No convictions for subsequent offense
- Qualifying felony property offenses and selling, dispensing, or transporting a regulated drug offense
 - Eight years from date person satisfied judgment or judgment of subsequent offense

Questions for witnesses

- Comments on proposed categories of qualifying crimes and conditions for sealing those crimes
- What does sealing mean? Using the above noted categories of offenses, who should have access to which offenses, under what circumstances, and for how long?
- Should there be an automatic sealing process, and if so, for which offenses and under what circumstances? If the policy decision is made to automatically seal certain records, what is needed in terms of logistics and resources to accomplish it?
- Should deferred sentences still be expunged or should they be sealed?
- Do we still need 13 VSA 7609? <https://legislature.vermont.gov/statutes/section/13/230/07609>