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H.276

Introduced by Representatives LaLonde of South Burlington and Hashim of
Dummerston

Referred to Committee on

Date:

Subject: Motor vehicles; traffic violations; expungement

Statement of purpose of bill as introduced: This bill proposes to automatically
expunge certain civil violations after two years and establish a process by
which an individual can petition the Judicial Bureau to expunge certain traffic
violations after two years.

An act relating to the expungement of certain civil violations

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 2303 is added to read:

§ 2303. EXPUNGEMENT OF VIOLATION RECORDS

(a) Automatic expungement. The Judicial Bureau shall automatically enter
an expungement order for convictions or adjudications of the following
violations on the two-year anniversary of the conviction or adjudication:

(1) 7 V.S.A. § 656(a)(2) (underage alcohol);

(2) 18 V.S.A. § 4230b(a) (underage marijuana);

(3) section 301 of this title (operating an unregistered vehicle);

1 (4) subsection 307(a) of this title (failing to possess registration);

2 (5) section 611 of this title (failing to possess license); and

3 (6) subsection 676(a) of this title (operating after suspension).

4 (b) Expungement upon petition to the Judicial Bureau.

5 (1) An individual may file a petition for the expungement of a
6 conviction of the following violations with the Judicial Bureau on the two-year
7 anniversary of the conviction:

8 (A) section 601 of this title (operating without a license);

9 (B) section 800 of this title (operating without insurance); and

10 (C) subsection 1222(c) of this title (operating an uninspected
11 vehicle).

12 (2) The Judicial Bureau shall, after hearing from the petitioner, consider
13 the following criteria in determining whether to grant the petition and order the
14 traffic violation expunged:

15 (A) the effect the traffic violation record has on the individual's
16 financial situation and employment; and

17 (B) whether the expungement serves the interests of justice.

18 (3) If the petition for expungement is denied by the Judicial Bureau
19 pursuant to this subsection, no further petition shall be brought for at least
20 one year, unless a shorter duration is authorized by the Judicial Bureau.

21 (c) Effect of expungement.

1 (1) Upon entry of an expungement order, the order shall be legally
2 effective immediately and the individual whose record is expunged shall be
3 treated in all respects as if he or she had never been convicted or adjudicated of
4 the violation. This includes the expungement of any points accumulated
5 pursuant to chapter 25 of this title.

6 (2) The Judicial Bureau shall report the expungement to the Department
7 of Motor Vehicles within 14 days.

8 (3) The Judicial Bureau shall keep a special index of cases that have
9 been expunged together with the expungement order. The index shall list only
10 the name of the individual convicted or adjudicated of the violation, his or her
11 date of birth, the docket number, and the violation that was the subject of the
12 expungement. All other court documents and records that are subject to an
13 expungement order, whether held by the Judicial Bureau or the Department of
14 Motor Vehicles, shall be destroyed.

15 (4) Upon receiving an inquiry from any person regarding an expunged
16 record, the Judicial Bureau and Department of Motor Vehicles shall respond
17 that "NO RECORD EXISTS."

18 (d) Policies for implementation. The Court Administrator shall establish
19 policies for implementing this section.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2019.