



VERMONT LEGISLATIVE  
**Joint Fiscal Office**

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## Fiscal Note

April 20, 2022 - **Revised**

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### **H.729 An act relating to miscellaneous judiciary procedures**

Senate Judiciary proposal of amendment

#### URL for bill:

<https://legislature.vermont.gov/Documents/2022/WorkGroups/Senate%20Judiciary/Bills/H.729/Drafts,%20Amendments,%20and%20Legal%20Documents/H.729~Erik%20Fitzpatrick~As%20Recommended%20by%20the%20Senate%20Committee%20on%20Judiciary%20~4-8-2022.pdf>

#### Bill Summary

**T**he bill proposes various changes to judiciary procedures. Provisions with potential impacts to State revenues and/or expenditures are as follows:

- Sec. 6 – Proposes a new \$1,000 civil penalty for knowingly disclosing a sealed criminal history record.
- Sec. 7 – Proposes to exempt from the \$90 court filing fee all sealing requests under 33 V.S.A. §5119(g), pertaining to individuals that were convicted of crimes under the age of 25.
- Sec. 33 – Proposes extending the sunset for the Vermont Sentencing Commission for one year, from July 1, 2022 to July 1, 2023.
- Sec. 35 – Proposes to increase fees payable to sheriffs and constables for serving of a civil process from \$50 to \$75 for each service.
- Sec. 36-37 – Proposes to increase fingerprinting fees that can be charged by state, county, and municipal law enforcement agencies from \$25 (or \$15 for educator licensing) to \$35.

All provisions of the bill would be effective upon passage.

#### Fiscal Impacts

This bill is estimated to increase State revenues by approximately \$115,000 annually:

- \$35,000 of new annual revenue to the General Fund from increasing the service of civil process fee (sec. 35)
- \$80,000 of new annual revenue to the Fingerprint Fee Special Fund from increasing the fingerprinting fee (sec. 36-37).

The bill is estimated to have a negligible impact on State expenditures.

## **Background and details**

### **Section 6:**

As noted above, this section proposes to enact a new \$1,000 penalty for instances of the knowing disclosure of sealed criminal history records. JFO typically does not estimate potential revenues for new or increased penalties as these are typically enacted to deter undesirable activities/outcomes. Any revenue from this penalty would be collected by the Judicial Bureau and deposited in the General Fund. *No estimated fiscal impact.*

### **Section 7:**

This section proposes to clarify that in the case of a motion to seal a criminal history record, the only instance in which the \$90 court filing fee in 32 V.S.A. §1431(e) would be levied on such a motion would be when the criminal history relates to driving under the influence of alcohol. The bill specifically proposes to exempt motions under 33 V.S.A. §5119(g), which pertain to individuals convicted of crimes under the age of 25, from the filing fee. This provision is in practice in most courts throughout the State, so any reduction in revenues from the clarifying language is estimated to be minimal. These revenues are deposited in the General Fund. *Negligible fiscal impact.*

### **Section 33:**

This provision proposes to extend the sunset of the Vermont Sentencing Commission for one year, to July 1, 2023. Legislative and public members of the Commission are eligible to receive per diems and expenses for meetings. Most members of the Commission are State employees who would be paid for their time at meetings. Any costs relating to extending the Commission are estimated to be negligible. These costs come out of the General Fund, either through the Judiciary budget for public members, or the Legislature's budget for legislative members. *Negligible fiscal impact.*

### **Section 35:**

This section proposes to increase the fees for various civil process services from the current rate of \$50 per service to a new rate of \$75 per service. These fees are in 32 V.S.A. §1591. These fees are paid to sheriffs' departments and constables. Sheriffs' departments are required to transfer 15 percent of fee proceeds to the State on a quarterly basis. The bill proposes to require constables to transfer this percentage to the State as well. The State share of fee proceeds is deposited in the General Fund. The remainder stays with sheriffs and constables. Current proceeds to the General Fund from these fees are approximately \$75,000 annually and would increase to \$110,000 annually with the fee increase. *New General Fund revenues of \$35,000 annually.*

### **Section 36-37:**

This section proposes to increase fees for fingerprinting services. This fee is authorized in two places: The fee is required to be no greater than \$25 per 20 V.S.A. §2062 (for the general population) and is authorized at up to \$15 in 16 V.S.A. §257 (for educator licensing). This bill proposes to increase both fee rates to \$35. The fee is paid to State, county and local law enforcement agencies that provide fingerprinting. Fees collected by the State are deposited in the Fingerprint Fee Special Fund to support the Vermont Crime Information Center. Fees collected at the county and local level are retained within those jurisdictions. Current State proceeds to the Fingerprint Fee Special Fund from these fees are approximately \$205,000 annually and would increase to approximately \$285,000 annually with the fee increase. *New special fund revenues of \$80,000 annually.*