

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 33
3 entitled “An act relating to miscellaneous judiciary procedures” respectfully
4 reports that it has considered the same and recommends that the House propose
5 to the Senate that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 3 V.S.A. § 5014(f) is amended to read:

8 (f) Repeal. This section shall be repealed on June 30, 2027.

9 Sec. 2. 4 V.S.A. § 22 is amended to read:

10 § 22. DESIGNATION AND SPECIAL ASSIGNMENT OF JUDICIAL
11 OFFICERS AND RETIRED JUDICIAL OFFICERS

12 (a)(1) The Chief Justice may appoint and assign a retired Justice or judge
13 with the Justice’s or judge’s consent or a Superior or Probate judge to a special
14 assignment on the Supreme Court. The Chief Justice may appoint, and the
15 Chief Superior Judge shall assign, an active or retired Justice or a retired judge,
16 with the Justice’s or judge’s consent, to any special assignment in the Superior
17 Court or the Judicial Bureau.

18 (2) The Chief Superior Judge may appoint and assign a judge to any
19 special assignment in the Superior Court. ~~As used in~~ For purposes of this
20 subdivision, a judge shall include a Superior judge, a Probate judge, a Family
21 Division magistrate, ~~or~~ a judicial hearing officer, or a judicial master.

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Sec. 3. 4 V.S.A. § 27 is amended to read:

§ 27. COURT TECHNOLOGY SPECIAL FUND

There is established the Court Technology Special Fund ~~which~~ that shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5.

Administrative fees collected pursuant to 13 V.S.A. § 7252 and revenue collected pursuant to fees established pursuant to sections 1105 and 1109 of this title shall be deposited and credited to this Fund. The Fund shall be available to the Judicial Branch to pay for contractual and operating expenses and project-related staffing not covered by the General Fund related to the following:

- (1) ~~The~~ the acquisition and maintenance of software and hardware needed for case management, electronic filing, an electronic document management system, and the expense of implementation, including training;
- (2) ~~The~~ the acquisition and maintenance of electronic audio and video court recording and conferencing equipment; and
- (3) ~~The~~ the acquisition, maintenance, and support of the Judiciary’s information technology network, including training.

Sec. 4. 4 V.S.A. § 27b is amended to read:

§ 27b. ~~ELECTRONICALLY FILED VERIFIED DOCUMENTS~~ SELF-ATTESTED DECLARATION IN LIEU OF NOTARIZATION

1 (a) ~~A registered electronic filer in the Judiciary’s electronic document filing~~
2 ~~system may file any~~ Any document that would otherwise require the approval
3 or verification of a notary ~~by filing the document~~ may be filed with the
4 following language inserted above the signature and date:

5 “I declare that the above statement is true and accurate to the best of my
6 knowledge and belief. I understand that if the above statement is false, I will be
7 subject to the penalty of perjury or to other sanctions in the discretion of the
8 court.”

9 (b) A document filed pursuant to subsection (a) of this section shall not
10 require the approval or verification of a notary.

11 (c) This section shall not apply to an affidavit in support of a search
12 warrant application, ~~or to~~ an application for a nontestimonial identification
13 order, an oath required by 14 V.S.A. §108, or consents and relinquishments in
14 adoption proceedings governed by Title 15A.

15 Sec. 5. 4 V.S.A. § 32 is amended to read:

16 § 32. JURISDICTION; CRIMINAL DIVISION

17 * * *

18 (c) The Criminal Division shall have jurisdiction of the following civil
19 actions:

20 * * *

1 (12) proceedings to enforce 9 V.S.A. chapter 74, relating to energy
2 efficiency standards for appliances and equipment; and

3 (13) proceedings to enforce 30 V.S.A. § 53, relating to commercial
4 building energy standards.

5 Sec. 6. 4 V.S.A. § 36(a) is amended to read:

6 (a) Composition of the court. Unless otherwise specified by law, when in
7 session, a Superior Court shall consist of:

8 * * *

9 Sec. 7. 12 V.S.A. § 5 is amended to read:

10 § 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

11 (a) The Court shall not permit public access via the Internet to criminal,
12 family, or probate case records. The Court may permit criminal justice
13 agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case
14 records for criminal justice purposes, as defined in 20 V.S.A. § 2056a.

15 (b) This section shall not be construed to prohibit the Court from providing
16 electronic access to:

17 (1) court schedules of the Superior Court, or opinions of the Criminal
18 Division of the Superior Court;

19 (2) State agencies in accordance with data dissemination contracts
20 entered into under ~~Rule 6 of the Vermont Rules of Electronic Access to Court~~
21 ~~Records~~ Rule 12 of the Vermont Rules for Public Access to Court Records; or

1 (3) decisions, recordings of oral arguments, briefs, and printed cases of
2 the Supreme Court.

3 Sec. 8. 12 V.S.A. § 4853a is amended to read:

4 § 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

5 * * *

6 (h) If the tenant fails to pay rent into court in the amount and on the dates
7 ordered by the court, the landlord shall be entitled to judgment for immediate
8 possession of the premises. The court shall forthwith issue a writ of possession
9 directing the sheriff of the county in which the property or a portion thereof is
10 located to serve the writ upon the defendant and, not earlier than ~~five business~~
11 seven days after the writ is served, or, in the case of an eviction brought
12 pursuant to 10 V.S.A. chapter 153, 30 days after the writ is served, to put the
13 plaintiff into possession.

14 Sec. 9. 12 V.S.A. § 5531 is amended to read:

15 § 5531. RULES GOVERNING PROCEDURE

16 (a) The Supreme Court, pursuant to section 1 of this title, shall make rules
17 under this chapter applicable to such Court providing for a simple, informal,
18 and inexpensive procedure for the determination, according to the rules of
19 substantive law, of actions of a civil nature of which they have jurisdiction,
20 other than actions for slander or libel and in which the plaintiff does not claim
21 as debt or damage more than ~~\$5,000.00~~ \$10,000.00. Small claims proceedings

1 shall be limited in accord with this chapter and the procedures made available
2 under those rules. The procedure shall not be exclusive, but shall be
3 alternative to the formal procedure begun by the filing of a complaint.

4 (b) Parties may not request claims for relief other than money damages
5 under this chapter. Nor may parties split a claim in excess of ~~\$5,000.00~~
6 \$10,000.00 into two or more claims under this chapter.

7 (c) In small claims actions where the plaintiff makes a claim for relief
8 greater than \$3,500.00, the defendant shall have the right to request a special
9 assignment of a judicial officer. Upon making this request, a Superior judge or
10 a member of the Vermont bar appointed pursuant to 4 V.S.A. § 22(b) shall be
11 assigned to hear the action.

12 (d) Venue in small claims actions shall be governed by section 402 of this
13 title.

14 (e) Notwithstanding this section or any other provision of law, the small
15 claims court shall not have jurisdiction over actions for collection of any debt
16 greater than \$5,000.00 arising out of:

17 (1) a consumer credit transaction as defined in 15 U.S.C. § 1679a; or

18 (2) medical debt as defined in 18 V.S.A. § 9481.

19 Sec. 10. 12 V.S.A. § 5804 is amended to read:

20 § 5804. OATH TO BE ADMINISTERED TO PETIT JURORS IN

21 CRIMINAL CAUSES

1 You solemnly swear or affirm that, without respect to persons or favor of
2 any ~~man~~ person, you will well and truly try and true deliverance make,
3 between the State of Vermont and the ~~prisoner at the bar~~ defendant, whom you
4 shall have in charge, according to the evidence given you in court and the laws
5 of the State. So help you God, or under the penalty of perjury pursuant to the
6 laws of the State of Vermont.

7 Sec. 11. 13 V.S.A. § 3016(c) is amended to read:

8 (c) A person who commits an act punishable under ~~33 V.S.A. § 2581(a)~~ ~~or~~
9 ~~(b)~~ 33 V.S.A. § 141(a) or (b) may not be prosecuted under this section.

10 Sec. 12. 13 V.S.A. § 7403 is amended to read:

11 § 7403. APPEAL BY THE STATE

12 (a) In a prosecution for a misdemeanor, questions of law decided against
13 the State shall be allowed and placed upon the record before final judgment.
14 The court may pass the same to the Supreme Court before final judgment. The
15 Supreme Court shall hear and determine the questions and render final
16 judgment thereon, or remand the cause for further trial or other proceedings, as
17 justice and the State of the cause may require.

18 (b) In a prosecution for a felony, the State shall be allowed to appeal to the
19 Supreme Court any decision, judgment, or order dismissing an indictment or
20 information as to one or more counts.

1 (c) In a prosecution for a felony, the State shall be allowed to appeal to the
2 Supreme Court from a decision or order:

3 (1) granting a motion to suppress evidence;

4 (2) granting a motion to have confessions declared inadmissible; or

5 (3) granting or refusing to grant other relief where the effect is to

6 impede seriously, although not to foreclose completely, continuation of the

7 prosecution.

8 (d) In making this appeal, the attorney for the State must certify to the court
9 that the appeal is not taken for purpose of delay and that:

10 (1) the evidence suppressed or declared inadmissible is substantial proof
11 of a fact material in a proceeding; or

12 (2) the relief to be sought upon appeal is necessary to avoid seriously
13 impeding such proceeding.

14 (e) The appeal in all cases shall be taken within seven business days after
15 the decision, judgment, or order has been rendered. In cases where the
16 defendant is detained for lack of bail, ~~he or she~~ the defendant shall be released
17 pending the appeal upon such conditions as the court shall order unless bail is
18 denied as provided in the Vermont Constitution or in other pending cases.

19 Such appeals shall take precedence on the docket over all cases and shall be
20 assigned for hearing or argument at the earliest practicable date and expedited
21 in every way.

1 (g) The holder of an ignition interlock RDL or certificate shall operate only
2 motor vehicles equipped with an ignition interlock device, shall not attempt or
3 take any action to tamper with or otherwise circumvent an ignition interlock
4 device, and, after failing a random retest, shall pull over and shut off the
5 vehicle's engine as soon as practicable. ~~A~~ Except as provided in subsection (k)
6 of this section, a person who violates any provision of this section commits a
7 criminal offense, shall be subject to the sanctions and procedures provided for
8 in subsections 674(b)–(i) of this title, and, upon conviction, the applicable
9 period prior to eligibility for reinstatement under section 1209a or 1216 of this
10 title shall be extended by six months.

11 * * *

12 (k) A person shall not knowingly and voluntarily tamper with an ignition
13 interlock device on behalf of another person or otherwise assist another person
14 to circumvent an ignition interlock device. A person ~~adjudicated of a violation~~
15 ~~of~~ who violates this subsection shall be ~~subject to~~ assessed a civil penalty of ~~up~~
16 ~~to~~ not more than \$500.00.

17 * * *

18 Sec. 15. 4 V.S.A. § 1102 is amended to read:

19 § 1102. JUDICIAL BUREAU; JURISDICTION

20 (a) The Judicial Bureau is created within the Judicial Branch under the
21 supervision of the Supreme Court.

1 (b) The Judicial Bureau shall have jurisdiction of the following matters:

2 * * *

3 (31) Violations of 23 V.S.A. § 1213(k) relating to tampering with an
4 ignition interlock device on behalf of another person.

5 * * *

6 Sec. 16. 32 V.S.A. § 1591 is amended to read:

7 § 1591. SHERIFFS AND OTHER OFFICERS

8 There shall be paid to sheriffs' departments and constables in civil causes
9 and to sheriffs, deputy sheriffs, and constables for the transportation and care
10 of prisoners, juveniles, and patients with a mental condition or psychiatric
11 disability the following fees:

12 (1) Civil process:

13 (A) For serving each process, the fees shall be as follows:

14 (i) \$10.00 for each reading or copy in which the officer is directed
15 to make an arrest;

16 (ii) \$75.00 upon presentation of each return of service for the
17 service of papers relating to divorce, annulments, separations, or support
18 complaints;

19 (iii) \$75.00 upon presentation of each return of service for the
20 service of papers relating to civil suits except as provided in ~~subdivisions (ii)~~
21 ~~and subdivision~~ subdivision (vii) of this subdivision (1)(A);

1 (iv) \$75.00 upon presentation of each return of service for the
2 service of a subpoena and shall be limited to that one fee for each return of
3 service;

4 (v) for each arrest, \$15.00;

5 (vi) for taking bail, \$15.00;

6 (vii) on levy of execution or order of foreclosure: for each mile of
7 actual travel in making a demand, sale, or adjournment, the rate allowed State
8 employees under the terms of the prevailing contract between the State and the
9 Vermont State Employees' Association, Inc.; for making demand, \$15.00 for
10 posting notices, \$15.00 each, and the rate per mile allowed State employees
11 under the terms of the prevailing contract between the State and the Vermont
12 State Employees' Association, Inc. for each mile of necessary travel; for notice
13 of continuance, \$15.00;

14 * * *

15 Sec. 17. 33 V.S.A. § 5117 is amended to read:

16 § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

17 (a) Except as otherwise provided, court and law enforcement reports and
18 files concerning a person subject to the jurisdiction of the court shall be
19 maintained separate from the records and files of other persons. Unless a
20 charge of delinquency is transferred for criminal prosecution under chapter 52
21 of this title or the court otherwise orders in the interests of the child, such

1 records and files shall not be open to public inspection nor their contents
2 disclosed to the public by any person. However, upon a finding that a child is
3 a delinquent child by reason of commission of a delinquent act that would have
4 been a felony if committed by an adult, the court, upon request of the victim,
5 shall make the child's name available to the victim of the delinquent act. If the
6 victim is incompetent or deceased, the child's name shall be released, upon
7 request, to the victim's guardian or next of kin.

8 (b)(1) Notwithstanding the foregoing, inspection of such records and files
9 by or dissemination of such records and files to the following is not prohibited:

10 * * *

11 (I) the Department for Children and Families; ~~and~~

12 (J) the Office of the Child, Youth, and Family Advocate for the
13 purpose of carrying out the provisions in chapter 32 of this title;

14 (K) a service provider named in a disposition order adopted by the
15 court, or retained by or contracted with a party to fulfill the objectives of the
16 disposition order, including referrals for treatment and placement;

17 (L) a court diversion program or youth-appropriate community-based
18 provider to whom the child is referred by the State's Attorney or the court, if
19 the child accepts the referral; and

1 (2) If the child participates in such a screening, the Department or the
2 community provider shall report the risk level result of the screening, the
3 number and source of the collateral contacts made, and the recommendation
4 for charging or other alternatives to the State’s Attorney. The State’s Attorney
5 shall consider the results of the risk and needs screening in determining
6 whether to file a charge. In lieu of filing a charge, the State’s Attorney may
7 refer a child directly to a youth-appropriate community-based provider that has
8 been approved by the Department, which may include a community justice
9 center or a balanced and restorative justice program. Referral to a community-
10 based provider pursuant to this subsection shall not require the State’s Attorney
11 to file a charge. If the community-based provider does not accept the case or if
12 the child fails to complete the program in a manner deemed satisfactory and
13 timely by the provider, the child’s case shall return to the State’s Attorney for
14 charging consideration.

15 (3) Information related to the present alleged offense directly or
16 indirectly derived from the risk and needs screening or from other
17 conversations with the Department or community-based provider shall not be
18 used against the youth in the youth’s case for any purpose, including
19 impeachment or cross-examination, provided that the fact of the youth’s
20 participation in risk and needs screening may be used in subsequent
21 proceedings.

1 ~~(2)~~(B) may transfer legal custody of the youth to a parent, relative,
2 person with a significant relationship with the youth, or Commissioner,
3 provided that any transfer of custody shall expire on the youth’s 18th birthday.

4 (2) Prior to the approval of a disposition case plan, the court may refer a
5 child directly to a youth-appropriate community-based provider that has been
6 approved by the department and which may include a community justice center
7 or a balanced and restorative justice program. Referral to a community-based
8 provider pursuant to this subdivision shall not require the court to place the
9 child on probation. If the community-based provider does not accept the case
10 or if the child fails to complete the program in a manner deemed satisfactory
11 and timely by the provider, the child shall return to the court for further
12 proceedings, including the imposition of the disposition order.

13 (d) The Department for Children and Families and the Department of
14 Corrections shall be responsible for supervision of and providing services to
15 the youth until ~~he or she~~ the youth reaches 22 years of age. Both Departments
16 shall designate a case manager who together shall appoint a lead Department to
17 have final decision-making authority over the case plan and the provision of
18 services to the youth. The youth shall be eligible for appropriate community-
19 based programming and services provided by both Departments.

20 Sec. 20. 13 V.S.A. chapter 76A is added to read:

21 CHAPTER 76A. DOMESTIC TERRORISM

1 § 1703. DOMESTIC TERRORISM

2 (a) As used in this section:

3 (1) “Domestic terrorism” means engaging in or taking a substantial step
4 to commit a violation of the criminal laws of this State with the intent to:

5 (A) cause death or serious bodily injury to multiple persons; or

6 (B) threaten any civilian population with mass destruction, mass
7 killings, or kidnapping.

8 (2) “Serious bodily injury” shall have the same meaning as in section
9 1021 of this title.

10 (3) “Substantial step” means conduct that is strongly corroborative of
11 the actor’s intent to complete the commission of the offense.

12 (b) A person who willfully engages in an act of domestic terrorism shall be
13 imprisoned for not more than 20 years or fined not more than \$50,000.00, or
14 both.

15 (c) It shall be an affirmative defense to a charge under this section that the
16 actor abandoned the actor’s effort to commit the crime or otherwise prevented
17 its commission under circumstances manifesting a complete and voluntary
18 renunciation of the actor’s criminal purpose.

19 Sec. 21. 13 V.S.A. § 1703 is amended to read:

20 ~~§ 1703. DOMESTIC TERRORISM~~

21 ~~(a) As used in this section:~~

1 ~~(1) “Domestic terrorism” means engaging in or taking a substantial step~~
2 ~~to commit a violation of the criminal laws of this State with the intent to:~~

3 ~~(A) cause death or serious bodily injury to multiple persons; or~~

4 ~~(B) threaten any civilian population with mass destruction, mass~~
5 ~~killings, or kidnapping.~~

6 ~~(2) “Serious bodily injury” shall have the same meaning as in section~~
7 ~~1021 of this title.~~

8 ~~(3) “Substantial step” means conduct that is strongly corroborative of the~~
9 ~~actor’s intent to complete the commission of the offense.~~

10 ~~(b) A person who willfully engages in an act of domestic terrorism shall be~~
11 ~~imprisoned for not more than 20 years or fined not more than \$50,000.00, or~~
12 ~~both.~~

13 ~~(c) It shall be an affirmative defense to a charge under this section that the~~
14 ~~actor abandoned his or her effort to commit the crime or otherwise prevented~~
15 ~~its commission under circumstances manifesting a complete and voluntary~~
16 ~~renunciation of his or her criminal purpose. [Repealed.]~~

17 Sec. 22. 20 V.S.A. § 1940(b) is amended to read:

18 (b) If any of the circumstances in subsection (a) of this section occur, the
19 court with jurisdiction or, as the case may be, the Governor, shall so notify the
20 Department, and the person’s DNA record in the State DNA database and
21 CODIS and the person’s DNA sample in the State DNA data bank shall be

1 removed and destroyed. The Laboratory shall purge the DNA record and all
2 other identifiable information from the State DNA database and CODIS and
3 destroy the DNA sample stored in the State DNA data bank. If the person has
4 more than one entry in the State DNA database, CODIS, or the State DNA data
5 bank, only the entry related to the dismissed case shall be deleted. The
6 Department shall notify the person upon completing its responsibilities under
7 this subsection, by ~~certified~~ mail addressed to the person's last known address.

8 Sec. 23. 23 V.S.A. § 1213 is amended to read:

9 § 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR
10 CERTIFICATE; PENALTIES

11 (a)(1) An individual whose license or privilege to operate is suspended or
12 revoked under this subchapter may operate a motor vehicle, other than a
13 commercial motor vehicle as defined in section 4103 of this title, if issued a
14 valid ignition interlock RDL or ignition interlock certificate. Upon
15 application, the Commissioner shall issue an ignition interlock RDL or ignition
16 interlock certificate to an individual otherwise licensed or eligible to be
17 licensed to operate a motor vehicle if:

18 (A) the individual submits a \$125.00 application fee;

19 (B) the individual submits satisfactory proof of installation of an
20 approved ignition interlock device in any motor vehicle to be operated and of
21 financial responsibility as provided in section 801 of this title;

1 (C) at least one year has passed since the suspension or revocation
2 was imposed if the offense involved death or serious bodily injury to an
3 individual other than the operator; ~~and~~

4 (D) the applicable period set forth in this subsection has passed since
5 the suspension or revocation was imposed if the offense involved refusal of an
6 enforcement officer's reasonable request for an evidentiary test:

7 (i) 30 days for a first offense;

8 (ii) 90 days for a second offense; or

9 (iii) one year for a third or subsequent offense; and

10 (E) the individual is serving a suspension pursuant to section 2506 if
11 the individual was charged with a violation of subdivision 1201(a) of this title
12 and pled guilty to a reduced charge of negligent operation under section 1091
13 of this title, notwithstanding any points assessed against the individual's
14 driving record for the negligent operation offense under section 2502 of this
15 title.

16 * * *

17 Sec. 24. 2017 Acts and Resolves No. 142, Sec. 5, as amended by 2021 Acts
18 and Resolves No. 65, Sec. 4, and further amended by 2021 Acts and Resolves
19 No. 147, Sec. 33, is further amended to read:

20 Sec. 5. REPEAL

1 13 V.S.A. §§ 5451 (creation of Vermont Sentencing Commission) and 5452
2 (creation of Vermont Sentencing Commission) shall be repealed on July 1,
3 ~~2023~~ 2025.

4 Sec. 25. SENTENCING COMMISSION REPORT

5 On or before December 15, 2023, the Vermont Sentencing Commission
6 shall report to the Senate and House Committees on Judiciary on whether any
7 modifications should be made to the definitions of stalking in 13 V.S.A.
8 § 1061 or 15 V.S.A. § 5131.

9 Sec. 26. 10 V.S.A. § 8222 is added to read:

10 § 8222. ACCRUAL OF ENVIRONMENTAL CONTAMINATION CLAIMS

11 (a) A common-law or statutory claim based on environmental
12 contamination shall accrue so long as the contamination remains on or in an
13 affected property or natural resource.

14 (b) As used in this section:

15 (1) “Environmental contamination” means any hazardous material or
16 hazardous waste as defined in 10 V.S.A. § 6602, or other substance or material
17 that has the potential to adversely affect human health or the environment (A)
18 on or in an affected property, including in buildings or other structures, or (B)
19 on or in a natural resource.

20 (2) “Natural resource” has the same meaning as in 10 V.S.A.
21 § 6615d(a)(8).

1 (c) Nothing in this section shall shorten or otherwise limit any later accrual
2 date that may apply under other source of law.

3 (d)(1) Except as otherwise provided in this subsection, and notwithstanding
4 1 V.S.A. §§ 213 and 214, or any other provision of law, this section shall apply
5 to:

6 (A) any action or proceeding commenced on or after the effective
7 date of this act; and

8 (B) any action or proceeding that is pending on the effective date of
9 this act.

10 (2) This section shall not revive claims subject to a final, nonappealable
11 judgment rendered prior to the effective date of this act.

12 (3) This section shall not apply to a criminal claim whose limitations
13 period expired prior to the effective date.

14 Sec. 27. 10 V.S.A. § 8015 is amended to read:

15 § 8015. STATUTE OF LIMITATIONS

16 Notwithstanding any other provision of law, actions brought under this
17 chapter or chapter 211 of this title shall be commenced within the later of:

18 (1) six years from the date the violation is or reasonably should have
19 been discovered; ~~or~~

20 (2) six years from the date a continuing violation ceases; or

21 (3) six years from the date of accrual under section 8222 of this title.

1 Sec. 28. 13 V.S.A. § 5451 is amended to read:

2 § 5451. CREATION OF COMMISSION

3 (a) The Vermont Sentencing Commission is established for the purpose of
4 overseeing criminal sentencing practices in the State, reducing geographical
5 disparities in sentencing, and making recommendations regarding criminal
6 sentencing to the General Assembly.

7 (b) The Commission shall consist of the following members:

8 * * *

9 (4) the Chair of the Senate Committee on Judiciary or designee;

10 (5) the Chair of the House Committee on Judiciary or designee;

11 * * *

12 Sec. 29. 13 V.S.A. § 3259 is amended to read:

13 § 3259. SEXUAL EXPLOITATION OF A PERSON WHO IS BEING
14 INVESTIGATED, DETAINED, ARRESTED, OR IS IN THE
15 CUSTODY OF A LAW ENFORCEMENT OFFICER

16 (a) No law enforcement officer shall engage in ~~a sexual act~~ sexual conduct
17 as defined in section 2821 of this title with a person whom the officer is
18 detaining, arresting, or otherwise holding in custody or who the officer knows
19 is being detained, arrested, or otherwise held in custody by another law
20 enforcement officer. For purposes of this section “detaining” and “detained”
21 include a traffic stop or questioning pursuant to an investigation of a crime.

1 (b)(1) No law enforcement officer shall engage in sexual conduct as
2 defined in section 2821 of this title with a person whom the officer:

3 (A) is investigating pursuant to an open investigation;

4 (B) knows is being investigated by another law enforcement officer
5 pursuant to an open investigation; or

6 (C) knows is a victim or confidential informant in any open
7 investigation.

8 (2) This subsection shall not apply if the law enforcement officer was
9 engaged in a consensual sexual relationship with the person prior to the
10 officer’s knowledge that the person was a suspect, victim, or confidential
11 informant in an open investigation.

12 (c) A person who violates subsection (a) or (b) of this section shall be
13 imprisoned for not more than five years or fined not more than \$10,000.00, or
14 both.

15 Sec. 30. 7 V.S.A. § 1005(a)(1) is amended to read:

16 (a)(1) A person under 21 years of age shall not possess, purchase, or
17 attempt to purchase tobacco products, tobacco substitutes, or tobacco
18 paraphernalia unless:

19 (A) the person is an employee of a holder of a tobacco license and is
20 in possession of tobacco products, tobacco substitutes, or tobacco
21 paraphernalia to effect a sale in the course of employment; or

1 (B) the person is in possession of tobacco products or tobacco
2 paraphernalia in connection with Indigenous cultural tobacco practices.

3 Sec. 31. 23 V.S.A. § 1202 is amended to read:

4 § 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD
5 ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG

6 (a)(1) Implied consent. Every person who operates, attempts to operate, or
7 is in actual physical control of any vehicle on a highway in this State is deemed
8 to have given consent to an evidentiary test of that person's breath for the
9 purpose of determining the person's alcohol concentration or the presence of
10 other drug in the blood. The test shall be administered at the direction of a law
11 enforcement officer.

12 (2) Blood test. If breath testing equipment is not reasonably available or
13 if the officer has reason to believe that the person is unable to give a sufficient
14 sample of breath for testing or if the law enforcement officer has reasonable
15 grounds to believe that the person is under the influence of a drug other than
16 alcohol, or under the combined influence of alcohol and a drug, the person is
17 deemed to have given consent to the taking of an evidentiary sample of blood.
18 If in the officer's opinion the person is incapable of decision or unconscious or
19 dead, it is deemed that the person's consent is given and a sample of blood
20 shall be taken. A blood test sought pursuant to this subdivision (2) shall be
21 obtained pursuant to subsection (f) of this section.

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Sec. 32. 13 V.S.A. § 4023 is amended to read:

§ 4023. POSSESSION OF FIREARMS IN HOSPITAL BUILDINGS
PROHIBITED

(a) A person shall not knowingly possess a firearm while within a hospital building.

(b) A person who violates this section shall be fined not more than \$250.00.

(c) This section shall not apply to a firearm possessed by:

(1) a federal law enforcement officer or a law enforcement officer certified as a law enforcement officer by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. § 2358, for legitimate law enforcement purposes;

(2) a security guard or private investigator performing the security guard's or private investigator's official duties on behalf of the hospital who is licensed under 26 V.S.A. chapter 59 and possesses a firearms certification issued under 26 V.S.A. § 3175c;

(3) a corrections officer performing the officer's official duties unless the officer has been directed not to carry weapons while on duty by the Commissioner of Corrections pursuant to 28 V.S.A. 551a(b);

1 (a) Secs. 3 (33 V.S.A. § 5103(c)) and 7 (33 V.S.A. § 5206) shall take effect
2 on July 1, ~~2023~~ 2024.

3 * * *

4 Sec. 35. PLAN FOR SECURE PLACEMENTS

5 On or before September 1, 2023 and December 1, 2023, the Department for
6 Children and Families shall file a status report to the Joint Legislative Justice
7 Oversight Committee, ~~and~~ the Senate and House Committees on Judiciary, the
8 House Committee on Corrections and Institutions, the House Committee on
9 Human Services, and the Senate Committee on Health and Welfare describing
10 the progress made toward implementing the requirement of Secs. 11 and 12 of
11 this act that the Raise the Age initiative take effect on July 1, 2024.

12 Sec. 36. 15 V.S.A. § 1105 is amended to read:

13 § 1105. SERVICE

14 * * *

15 (b)(1) A defendant who attends a hearing held under section 1103 or 1104
16 of this title at which a temporary or final order under this chapter is issued and
17 who receives notice from the court on the record that the order has been issued
18 shall be deemed to have been served. A defendant notified by the court on the
19 record shall be required to adhere immediately to the provisions of the order.
20 ~~However, even when the court has previously notified the defendant of the~~
21 ~~order, the court shall transmit the order for additional service by a law~~

1 ~~enforcement agency.~~ The clerk shall mail a copy of the order to the defendant
2 at the defendant's last known address.

3 * * *

4 Sec. 37. VERMONT SENTENCING COMMISSION REPORT ON
5 WHETHER TO ELIMINATE CASH BAIL

6 (a)(1) The Vermont Sentencing Commission, in consultation with the
7 entities designated in subdivision (2) of this subsection, shall identify the
8 conditions that would be required to move toward the elimination of the use of
9 cash bail for the purpose of mitigating risk of flight from prosecution and make
10 a recommendation as to whether cash bail should be eliminated in Vermont. If
11 the Commission proposes to eliminate cash bail, it shall provide a proposal that
12 does so.

13 (2) The Commission shall solicit input from:

14 (A) the Vermont Network Against Domestic and Sexual Violence;

15 (B) the Community Justice Unit of the Office of the Attorney

16 General;

17 (C) Vermont Legal Aid;

18 (D) the Vermont Office of Racial Equity;

19 (E) the Vermont chapter of the American Civil Liberties Union;

20 (F) the Vermont Freedom Fund; and

21 (G) national experts on bail reform.

1 (b) The Commission shall report its findings and recommendations to the
2 General Assembly on or before December 1, 2023.

3 Sec. 38. EFFECTIVE DATE

4 This act shall take effect on passage.

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11 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE