

1 Introduced by House Committee on Judiciary

2 Referred to Committee on Judiciary

3 Date:

4 Subject: Court procedure; criminal procedure; miscellaneous amendments

5 Statement of purpose of bill as introduced: This bill proposes to make a  
6 number of miscellaneous amendments related to civil and criminal procedure  
7 statutes.

8 An act relating to miscellaneous judiciary procedures

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

10 Sec. 1. 4 V.S.A. § 41 is added to read:

11 § 41. COURT SECURITY OFFICERS

12 (a) Authorization. The Court Administrator shall define the scope of duties  
13 for Judiciary-employed Court Security Officers. The Court Administrator  
14 shall have direct authority over Judiciary-employed Court Security Officers  
15 and may authorize them to perform law enforcement functions necessary for  
16 the performance of their duties.

17 (b) Training. The Court Administrator shall develop a training,  
18 certification, and recertification program pursuant to appropriate training  
19 standards that shall include advanced training in non-lethal use of force and

1 law enforcement functions. The Court Administrator shall establish a use of  
2 force policy based on State standards.

3 (c) Training; equipment. At the direction of the Court Administrator and  
4 with the approval of the Court Security and Safety Program Manager,  
5 Judiciary-employed Court Security Officers shall be provided with training and  
6 equipment necessary for the performance of their duties. Equipment provided  
7 pursuant to this subsection shall remain the property of the Judiciary.

8 (d) Coordination of judiciary security. Judiciary-employed Court Security  
9 Officers shall provide security at court properties and at other locations and  
10 functions for the Vermont Judiciary at the direction of the Court Administrator.

11 (e) Construction. This section shall not be construed to limit the Court  
12 Administrator’s authority to hire additional court security personnel, including  
13 private security guards and County Sheriffs.

14 Sec. 2. 4 V.S.A. § 1102 is amended to read:

15 § 1102. JUDICIAL BUREAU; JURISDICTION

16 \* \* \*

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

18 \* \* \*

19 (4) Violations of 7 V.S.A. § ~~1005(a)~~ 1005(b), relating to possession of  
20 tobacco products by a person under 21 years of age.

21 \* \* \*



1 ~~the surety and the sum in which he or she is bound, signed by the clerk~~  
2 ~~thereon, the trustee shall be discharged.~~ [Repealed.]

3 Sec. 5. 13 V.S.A. § 3281 is amended to read:

4 § 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

5 (a) Short title. This section may be cited as the “Bill of Rights for Sexual  
6 Assault Survivors.”

7 (b) Definition. As used in this section, “sexual assault survivor” means a  
8 person who is a victim of an alleged sexual offense.

9 (c) Survivors’ rights. When a sexual assault survivor makes a verbal or  
10 written report to a law enforcement officer, emergency department, sexual  
11 assault nurse examiner, or victim’s advocate of an alleged sexual offense, the  
12 recipient of the report shall provide written notification to the survivor that ~~he~~  
13 ~~or she~~ the survivor has the following rights:

14 (1) The right to receive a medical forensic examination and any related  
15 toxicology testing at no cost to the survivor in accordance with 32 V.S.A. §  
16 1407, irrespective of whether the survivor reports to or cooperates with law  
17 enforcement. If the survivor opts to have a medical forensic examination, ~~he or~~  
18 ~~she~~ the survivor shall have the following additional rights:

19 (A) the right to have the medical forensic examination kit or its  
20 probative contents delivered to a forensics laboratory within 72 hours of  
21 collection;

1 (B) the right to have the sexual assault evidence collection kit or its  
2 probative contents preserved without charge for the duration of the maximum  
3 applicable statute of limitations;

4 (C) the right to be informed in writing of all policies governing the  
5 collection, storage, preservation, and disposal of a sexual assault evidence  
6 collection kit;

7 (D) the right to be informed of a DNA profile match on a kit reported  
8 to law enforcement or on a confidential kit, on a toxicology report, or on a  
9 medical record documenting a medical forensic examination, if the disclosure  
10 would not impede or compromise an ongoing investigation; ~~and~~

11 (E) the right to be informed of the status and location of the sexual  
12 assault evidence collection kit; and

13 ~~(E)~~(F) upon written request from the survivor, the right to:

14 (i) receive written notification from the appropriate official with  
15 custody not later than 60 days before the date of the kit's intended destruction  
16 or disposal; and

17 (ii) be granted further preservation of the kit or its probative  
18 contents.

19 (2) The right to consult with a sexual assault advocate.

20 (3) The right to information concerning the availability of protective  
21 orders and policies related to the enforcement of protective orders.

1 (4) The right to information about the availability of, and eligibility for,  
2 victim compensation and restitution.

3 (5) The right to information about confidentiality.

4 (d) Notification protocols. The Vermont Network Against Domestic and  
5 Sexual Violence and the Sexual Assault Nurse Examiner Program, in  
6 consultation with other parties referred to in this section, shall develop  
7 protocols and written materials to assist all responsible entities in providing  
8 notification to victims.

9 Sec. 6. 13 V.S.A. § 3401 is amended to read:

10 § 3401. DEFINITION AND PUNISHMENT OF TREASON

11 A person owing allegiance to this State, who levies war or conspires to levy  
12 war against the same, or adheres to the enemies thereof, giving them aid and  
13 comfort, within the State or elsewhere, shall be guilty of treason against this  
14 State and shall ~~suffer the punishment of death~~ be imprisoned for not less than  
15 25 years with a maximum term of life, and, in addition, may be fined not more  
16 than \$50,000.00.

17 Sec. 7. REPEALS

18 The following sections are repealed: 13 V.S.A. § 7101 (sentence and  
19 warrant); 13 V.S.A. § 7102 (pardon); 13 V.S.A. § 7103 (place of execution);  
20 13 V.S.A. § 7104 (manner of confinement); 13 V.S.A. § 7105 (persons present

1 at execution); 13 V.S.A. § 7106 (manner of execution); 13 V.S.A. § 7107  
2 (returns of Commissioner).

3 Sec. 8. 13 V.S.A. § 4056 is amended to read:

4 § 4056. SERVICE

5 (a) A petition, ex parte temporary order, or final order issued under this  
6 subchapter shall be served in accordance with the Vermont Rules of Civil  
7 Procedure and may be served by any law enforcement officer. A court that  
8 issues an order under this chapter during court hours shall promptly transmit  
9 the order electronically or by other means to a law enforcement agency for  
10 service, and shall deliver a copy to the holding station.

11 (b) A respondent who attends a hearing held under section 4053, 4054, or  
12 4055 of this title at which a temporary or final order under this subchapter is  
13 issued and who receives notice from the court on the record that the order has  
14 been issued shall be deemed to have been served. A respondent notified by the  
15 court on the record shall be required to adhere immediately to the provisions of  
16 the order. ~~However, even when the court has previously notified the~~  
17 ~~respondent of the order, the court shall transmit the order for additional service~~  
18 ~~by a law enforcement agency. The clerk shall mail a copy of the order to the~~  
19 ~~respondent at the respondent's last known address.~~

20 \* \* \*

21 Sec. 9. 13 V.S.A. § 4814 is amended to read:

1 § 4814. ORDER FOR EXAMINATION OF COMPETENCY

2 \* \* \*

3

4 (d) Notwithstanding any other provision of law, an examination ordered  
5 pursuant to subsection (a) of this section may be conducted by a doctoral-level  
6 psychologist trained in forensic psychology and licensed under 26 V.S.A.  
7 chapter 55. ~~This subsection shall be repealed on July 1, 2024.~~

8 \* \* \*

9 Sec. 10. 13 V.S.A. § 4816 is amended to read:

10 § 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

11 \* \* \*

12 (e) The relevant portion of a psychiatrist’s report or of a report conducted  
13 pursuant to subsection 4814(d) of this title by a doctoral-level psychologist  
14 trained in forensic psychology shall be admitted into evidence as an exhibit on  
15 the issue of the person’s mental competency to stand trial and the opinion shall  
16 be conclusive on the issue if agreed to by the parties and if found by the court  
17 to be relevant and probative on the issue.

18 \* \* \*

19 Sec. 11. 13 V.S.A. § 7282(c) is amended to read:

20 (c) SIU surcharge. In addition to any penalty or fine imposed by the court ~~or~~  
21 ~~Judicial Bureau~~ for a criminal offense committed after July 1, 2009, the clerk



1 of the court ~~or Judicial Bureau~~ shall levy an additional surcharge of \$100.00 to  
2 be deposited in the General Fund, in support of the Specialized Investigative  
3 Unit Grants Board created in 24 V.S.A. § 1940(c), and used to pay for the costs  
4 of Specialized Investigative Units.

5 Sec. 12. 13 V.S.A. § 7554c(e)(3) is amended to read:

6 (3) All records of information obtained during risk assessment or needs  
7 screening shall be stored in a manner making them accessible only to the  
8 Director of Pretrial Services and pretrial service coordinators for a period of  
9 three years, after which the records shall be maintained as required by ~~sections~~  
10 ~~117 and 218 of this title~~ 3 V.S.A. § § 117 and 218 and any other State law. The  
11 Director of Pretrial Services shall be responsible for the destruction of records  
12 when ordered by the court.

13 Sec. 13. 14 V.S.A. § 4020 is amended to read:

14 § 4020. LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED  
15 ~~STATUTORY FORM~~ POWER OF ATTORNEY

16 (a) ~~As used in this section, “statutory form power of attorney” means a~~  
17 ~~power of attorney substantially in the form provided in section 4051 or 4052 of~~  
18 ~~this title or that meets the requirements for a military power of attorney~~  
19 ~~pursuant to 10 U.S.C. § 1044b, as amended.~~

20 (b) Except as otherwise provided in subsection ~~(e)~~ (b) of this section:

1           (1) a person shall either accept an acknowledged ~~statutory form~~ power of  
2 attorney or request a certification, a translation, or an opinion of counsel under  
3 subsection 4019(d) of this title not later than seven business days after  
4 presentation of the power of attorney for acceptance;

5           (2) if a person requests a certification, a translation, or an opinion of  
6 counsel under subsection 4019(d) of this title, the person shall accept the  
7 ~~statutory form~~ power of attorney not later than five business days after receipt  
8 of the certification, translation, or opinion of counsel; and

9           (3) a person may not require an additional or different form of power of  
10 attorney for authority granted in the ~~statutory form~~ power of attorney  
11 presented.

12           (c) A person is not required to accept an acknowledged ~~statutory form~~  
13 power of attorney if:

14           (1) the person is not otherwise required to engage in a transaction with  
15 the principal in the same circumstances;

16           (2) engaging in a transaction with the agent or the principal in the same  
17 circumstances would be inconsistent with federal or state law;

18           (3) the person has actual knowledge of the termination of the agent's  
19 authority or of the power of attorney before exercise of the power;

20           (4) a request for a certification, a translation, or an opinion of counsel  
21 under subsection 4019(d) of this title is refused;

1 (5) the person in good faith believes that the power is not valid or that  
2 the agent does not have the authority to perform the act requested, whether or  
3 not a certification, a translation, or an opinion of counsel under subsection  
4 4019(d) of this title has been requested or provided; or

5 (6) the person makes, or has actual knowledge that another person has  
6 made, a report to the Adult Protective Services program or other appropriate  
7 entity within the Department of Disabilities, Aging, and Independent Living or  
8 to a law enforcement agency stating a good faith belief that the principal may  
9 be subject to physical or financial abuse, neglect, exploitation, or abandonment  
10 by the agent or a person acting for or with the agent.

11 (d) A person who refuses in violation of this section to accept an  
12 acknowledged ~~statutory form~~ power of attorney is subject to:

- 13 (1) a court order mandating acceptance of the power of attorney; and
- 14 (2) liability for reasonable attorney’s fees and costs incurred in any  
15 action or proceeding that confirms the validity of the power of attorney or  
16 mandates acceptance of the power of attorney.

17 Sec. 14. 14 V.S.A. § 4047 is amended to read:

18 § 4047. GIFTS

19 \* \* \*

20 (b) An agent may make a gift of the principal’s property only as the agent  
21 determines is consistent with the principal’s objectives if actually known by

1 the agent or, if unknown, as the agent determines is consistent with the  
2 principal’s best interests based on all relevant factors, including:

3 (1) evidence of the principal’s intent;

4 (2) the principal’s personal history of making or joining in the making of  
5 lifetime gifts;

6 (3) the principal’s estate plan;

7 (4) the principal’s foreseeable obligations and maintenance needs and the  
8 impact of the proposed gift on the principal’s housing options, access to care  
9 and services, and general welfare;

10 (5) the income, gift, estate, or inheritance tax consequences of the  
11 transaction; and

12 (6) whether the proposed gift creates a foreseeable risk that the principal  
13 will be deprived of sufficient assets to cover the principal’s needs during any  
14 period of Medicaid ineligibility that would result from the proposed gift.

15 ~~(c) An agent may make a gift of the principal’s property only as the agent  
16 determines is consistent with the principal’s objectives if actually known by  
17 the agent and, if unknown, as the agent determines is consistent with the  
18 principal’s best interests based on all relevant factors, including:~~

19 ~~(1) the value and nature of the principal’s property;~~

20 ~~(2) the principal’s foreseeable obligations and need for maintenance;~~

- 1           ~~(3) minimization of taxes, including income, estate, inheritance,~~  
2           ~~generation skipping transfer, and gift taxes;~~  
3           ~~(4) eligibility for a benefit, a program, or assistance under a statute or~~  
4           ~~regulation; and~~  
5           ~~(5) the principal's personal history of making or joining in making gifts.~~  
6           [Repealed.]

7           15 V.S.A. § 5051 is amended to read:

8           § 4051. STATUTORY FORM POWER OF ATTORNEY

9           A document substantially in the following form may be used to create a  
10           statutory form power of attorney that has the meaning and effect prescribed by  
11           this chapter.

12           VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT  
13           INFORMATION

14           This power of attorney authorizes another person (your agent) to make  
15           decisions concerning your property for you (the principal). Your agent will be  
16           able to make decisions and act with respect to your property (including your  
17           money) whether or not you are able to act for yourself. The meaning of  
18           authority over subjects listed on this form is explained in the Vermont Uniform  
19           Power of Attorney Act, 14 V.S.A. chapter 127.

20           This power of attorney does not authorize the agent to make health-care  
21           decisions for you.

1        You should select someone you trust to serve as your agent. Unless you  
2        specify otherwise, generally the agent’s authority will continue until you die or  
3        revoke the power of attorney or the agent resigns or is unable to act for you.  
4        Your agent is entitled to reasonable compensation unless you state otherwise in  
5        the Special Instructions.

6        This form does not revoke powers of attorney previously executed by you  
7        unless you initial the introductory paragraph under DESIGNATION OF  
8        AGENT that all previous powers of attorney are revoked.

9        This form provides for designation of one agent. If you wish to name more  
10       than one agent, you may name a coagent in the Special Instructions. Coagents  
11       are not required to act together unless you include that requirement in the  
12       Special Instructions.

13       If your agent is unable or unwilling to act for you, your power of attorney  
14       will end unless you have named a successor agent. You may also name a  
15       second successor agent.

16       This power of attorney becomes effective immediately unless you state  
17       otherwise in the Special Instructions.

18       If you have questions about the power of attorney or the authority you are  
19       granting to your agent, you should seek legal advice before signing this form.

20       DESIGNATION OF AGENT

1 I \_\_\_\_\_(Name of Principal) ( )

2 revoke all previous powers of attorney and name the following person as my  
3 agent:

4 Name of Agent: \_\_\_\_\_

5 Agent's Address: \_\_\_\_\_

6 Agent's Telephone Number:  
7 \_\_\_\_\_

8 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

9 If my agent is unable or unwilling to act for me, I name as my successor agent:

10 Name of Successor Agent:\_\_\_\_\_

11 Successor Agent's Address:  
12 \_\_\_\_\_

13 Successor Agent's Telephone Number:  
14 \_\_\_\_\_

15 If my agent is unable or unwilling to act for me, I name as my second  
16 successor agent:

17 Name of Second Successor  
18 Agent:\_\_\_\_\_

19 Second Successor Agent's Address:  
20 \_\_\_\_\_

1 Second Successor Agent’s Telephone Number:

2 \_\_\_\_\_

3 GRANT OF GENERAL AUTHORITY

4 I grant my agent and any successor agent general authority to act for me with  
5 respect to the following subjects as defined in the Vermont Uniform Power of  
6 Attorney Act, 14 V.S.A. chapter 127, together with the incidental powers  
7 enumerated in section 4033 of this title.

8 (~~INITIAL STRIKE THROUGH~~ each subject you do not want to include in the  
9 agent’s general authority. ~~If you wish to grant general authority over all of the~~  
10 ~~subjects, you may initial “All Preceding Subjects” instead of initialing each~~  
11 ~~subject.~~)

- 12 ( ) Real Property
- 13 ( ) Tangible Personal Property
- 14 ( ) Stocks and Bonds
- 15 ( ) Commodities and Options
- 16 ( ) Banks and Other Financial Institutions
- 17 ( ) Operation of Entity or Business
- 18 ( ) Insurance and Annuities
- 19 ( ) Estates, Trusts, and Other Beneficial Interests
- 20 ( ) Claims and Litigation
- 21 ( ) Personal and Family Maintenance



1        Benefits from Governmental Programs or Civil or Military Service

2        Retirement Plans

3        Taxes

4        ~~All Preceding Subjects~~

5       GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

6       My agent MAY ~~NOT~~ do any of the following specific acts for me UNLESS I

7       have ~~INITIALED~~ STRUCK THROUGH the specific authority listed below:

8       (CAUTION: ~~Granting any of the following~~ Failure to strike through any of the

9       following powers will give your agent the authority to take actions that could

10       significantly reduce your property or change how your property is distributed

11       at your death. If you believe that your agent should have any of these powers,

12       you may wish to consult with an attorney. ~~INITIAL ONLY~~ the specific

13       authority you ~~WANT~~ to give your agent.)

14        An agent who is not an ancestor, spouse, or descendant may exercise

15       authority under this power of attorney to create in the agent or in an individual

16       to whom the agent owes a legal obligation of support an interest in my

17       property whether by gift, rights of survivorship, beneficiary designation,

18       disclaimer, or otherwise

19        Create, amend, revoke, or terminate an inter vivos, family, living,

20       irrevocable, or revocable trust

- 1       ( ) Consent to the modification or termination of a noncharitable irrevocable
- 2       trust under 14A V.S.A. § 411
- 3       ( ) Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any
- 4       special instructions in this power of attorney
- 5       ( ) Consent to the modification or termination of a noncharitable irrevocable
- 6       trust under 14A V.S.A. § 411
- 7       ( ) Create, amend, or change a beneficiary designation
- 8       ( ) Waive the principal’s right to be a beneficiary of a joint and survivor
- 9       annuity, including a survivor benefit under a retirement plan
- 10      ( ) Exercise fiduciary powers that the principal has authority to delegate
- 11      ( ) Authorize another person to exercise the authority granted under this power
- 12      of attorney
- 13      ( ) Disclaim or refuse an interest in property, including a power of appointment
- 14      ( ) Exercise authority with respect to elective share under 14 V.S.A. § 319
- 15      ( ) Exercise waiver rights under 14 V.S.A. § 323
- 16      ( ) Exercise authority over the content and catalogue of electronic
- 17      communications and digital assets under 14 V.S.A. chapter 125 (Vermont
- 18      Revised Uniform Fiduciary Access to Digital Assets Act)
- 19      ( ) Exercise authority with respect to intellectual property, including, without
- 20      limitation, copyrights, contracts for payment of royalties, and trademarks

1       ( ) Convey, or revoke or revise a grantee designation, by enhanced life estate  
2       deed pursuant to chapter 6 of Title 27 or under common law.

3       LIMITATION ON AGENT’S AUTHORITY

4       An agent who is not my ancestor, spouse, or descendant MAY NOT use my  
5       property to benefit the agent or a person to whom the agent owes an obligation  
6       of support unless I have included that authority in the Special Instructions.

7       WHEN POWER OF ATTORNEY EFFECTIVE

8       This power of attorney becomes effective when executed unless the principal  
9       has initialed one of the following:

10      ( ) This power of attorney is effective only upon my later incapacity. OR

11      ( ) This power of attorney is effective only upon my later incapacity or  
12      unavailability. OR

13      ( ) I direct that this power of attorney shall become effective when one or more  
14      of the following occurs:

15      ----- \_\_\_\_\_

16      ----- \_\_\_\_\_

17      ----- \_\_\_\_\_

18      ----- \_\_\_\_\_

19      ----- \_\_\_\_\_

20      ----- \_\_\_\_\_

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EFFECTIVE DATE

This power of attorney is effective immediately unless I have indicated or stated otherwise in the section above entitled When Power of Attorney Effective or in the section below entitled Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

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~~EFFECTIVE DATE~~

~~This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.~~

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my estate or a guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for [conservator or guardian] of my estate:

\_\_\_\_\_

1 Nominee’s Address:  
2 \_\_\_\_\_

3 Nominee’s Telephone Number:  
4 \_\_\_\_\_

5 Name of Nominee for guardian of my person:  
6 \_\_\_\_\_

7 Nominee’s Address:  
8 \_\_\_\_\_

9 Nominee’s Telephone Number:  
10 \_\_\_\_\_

11 RELIANCE ON THIS POWER OF ATTORNEY

12 Any person, including my agent, may rely upon the validity of this power of  
13 attorney or a copy of it unless that person knows it has terminated or is invalid.  
14 Unless expressly stated otherwise, this power of attorney is durable and shall  
15 remain valid if I become incapacitated or unavailable.

16 SIGNATURE AND ACKNOWLEDGMENT

17 Your Name Printed: \_\_\_\_\_

18 Your Address: \_\_\_\_\_

19 Your Telephone Number: \_\_\_\_\_

20 State of: \_\_\_\_\_

21 County of: \_\_\_\_\_

1 This document was acknowledged before me on: (Date)

2 \_\_\_\_\_

3 by .(Name of Principal)

4 (Seal, if any): \_\_\_\_\_

5 Signature of Notary: \_\_\_\_\_

6 My commission expires: \_\_\_\_\_

7 IMPORTANT INFORMATION FOR AGENT

8 Agent’s Duties

9 When you accept the authority granted under this power of attorney, a  
10 special legal relationship is created between you and the principal. This  
11 relationship imposes upon you legal duties that continue until you resign or the  
12 power of attorney is terminated or revoked. You must:

13 (1) do what you know the principal reasonably expects you to do with  
14 the principal’s property or, if you do not know the principal’s expectations, act  
15 in the principal’s best interests;

16 (2) act in good faith;

17 (3) do nothing beyond the authority granted in this power of attorney;

18 and

19 (4) disclose your identity as an agent whenever you act for the principal  
20 by writing or printing the name of the principal and signing your own name as

1 “agent” in the following manner: (Principal’s Name) by (Your Signature) as  
2 Agent.

3 Unless the Special Instructions in this power of attorney state otherwise,  
4 you must also:

- 5 (1) act loyally for the principal’s benefit;
- 6 (2) avoid conflicts that would impair your ability to act in the  
7 principal’s best interest;
- 8 (3) act with care, competence, and diligence;
- 9 (4) keep a record of all receipts, disbursements, and transactions made  
10 on behalf of the principal;
- 11 (5) cooperate with any person that has authority to make health-care  
12 decisions for the principal to do what you know the principal reasonably  
13 expects or, if you do not know the principal’s expectations, to act in the  
14 principal’s best interests; and
- 15 (6) attempt to preserve the principal’s estate plan if you know the plan  
16 and preserving the plan is consistent with the principal’s best interests.

17 Termination of Agent’s Authority

18 You must stop acting on behalf of the principal if you learn of any  
19 event that terminates this power of attorney or your authority under this power  
20 of attorney. Events that terminate a power of attorney or your authority to act  
21 under a power of attorney include:

- 1 (1) death of the principal;
- 2 (2) the principal’s revocation of the power of attorney or your  
3 authority;
- 4 (3) the occurrence of a termination event stated in the power of  
5 attorney;
- 6 (4) the purpose of the power of attorney is fully accomplished; or
- 7 (5) if you are married to the principal, a legal action is filed with a  
8 court to end your marriage, or for your legal separation, unless the Special  
9 Instructions in this power of attorney state that such an action will not  
10 terminate your authority.

11 Liability of Agent

12 The meaning of the authority granted to you is defined in the Vermont  
13 Uniform Power of Attorney Act, 14 V.S.A. chapter 127. If you violate the  
14 Vermont Uniform Power of Attorney Act, or act outside the authority granted,  
15 you may be liable for any damages caused by your violation. In addition to  
16 civil liability, failure to comply with your duties and authority granted under  
17 this document could subject you to criminal prosecution.

18 If there is anything about this document or your duties that you do not  
19 understand, you should seek legal advice.

20 Sec. 16. 14 V.S.A. § 5052 is amended to read:



1 § 4052. STATUTORY SHORT FORM POWER OF ATTORNEY FOR REAL  
2 ESTATE TRANSACTIONS

3 (a) A document substantially in the following form may be used to create a  
4 statutory form power of attorney for a real estate transaction that has the  
5 meaning and effect prescribed by this chapter. Nothing in this section shall  
6 prohibit a principal from using this form to grant other powers to an agent with  
7 respect to real property consistent with section 4034 of this title.

8 VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT  
9 INFORMATION

10 This power of attorney authorizes another person (your agent) to take  
11 actions for you (the principal) in connection with a real estate transaction (sale,  
12 purchase, mortgage, or gift). Your agent will be able to make decisions and act  
13 with respect to a specific parcel of land whether or not you are able to act for  
14 yourself. The meaning of authority over subjects listed on this form is  
15 explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter  
16 127.

17 DESIGNATION OF AGENT

18 I/we and  
19 (Name(s) of Principal) appoint the following person as my (our) agent:  
20 Name of Agent: \_\_\_\_\_

1 Name of ~~Alternate~~ Successor Agent:

2 \_\_\_\_\_

3 Address of Property that is the subject of this power of attorney

4 (Street):, (Municipality)\_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_, Vermont.

7 ~~Transaction for which the power of attorney is given~~ STRIKE THROUGH

8 each type of transaction for which the power of attorney is not given:

9  Sale

10  Purchase or Acquisition

11  ~~Mortgage~~

12  Finance and/or Mortgage

13  Gift

14 GRANT OF AUTHORITY

15 I/we grant my (our) agent and any alternate agent authority named in this  
16 power of attorney to act for me/us with respect to a real estate transaction  
17 involving the property with the address stated above, including, but not limited  
18 to, the powers described in 14 V.S.A. § 4034(2), (3), and (4) as provided in the  
19 Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127, together  
20 with the incidental powers enumerated in section 4033 of this title.

21 POWER TO DELEGATE



1 Number \_\_\_\_\_

2 State of \_\_\_\_\_

3 County of \_\_\_\_\_

4 This document was acknowledged before me on

5 \_\_\_\_\_ (Date)

6 by

7 \_\_\_\_\_

8 (Name of Principal)

9 \_\_\_\_\_ (Seal, if any)

10 Signature of Notary \_\_\_\_\_

11 My Commission expires: \_\_\_\_\_

12 (b) A power of attorney in the form above confers on the agent the powers  
13 provided in subdivisions 4034(2), (3), and (4) of this chapter.

14 Sec. 17. 27 V.S.A. § 305 is amended to read:

15 § 305. CONVEYANCES EFFECTED THROUGH POWER OF ATTORNEY

16 (a) A deed or other conveyance of lands or of an estate or interest therein,  
17 made by virtue of a power of attorney, shall not be of any effect or admissible  
18 in evidence unless the power of attorney is signed, ~~witnessed by one or more~~  
19 ~~witnesses~~, acknowledged, and recorded in the office where the deed is required  
20 to be recorded.

21 \* \* \*

1 Sec 18. 27 V.S.A. § 657 is amended to read:

2 § 657. EXECUTION BY GUARDIAN; USE OF POWER OF ATTORNEY

3 (a) With the approval of the Probate Division, a guardian may convey the  
4 real property of a person under guardianship by an ELE deed.

5 (b) An ELE deed may be executed by an agent under a power of attorney if  
6 the power of attorney complies with the following requirements of 14 V.S.A.  
7 chapter 123, including any applicable gifting and self-dealing provisions:

8 (1) 14 V.S.A. chapter 123, if the ELE deed was executed before July 1,  
9 2023; or

10 (2) 14 V.S.A. chapter 127, if the ELE deed was executed on or after July  
11 1, 2023.

12 Sec. 19. 15 V.S.A. § 293 is amended to read:

13 § 293. WHEN PARENTS LIVE SEPARATELY

14 (a) When parents of minor children, or parents and stepparents of minor  
15 children, whether said parents are married or unmarried, are living separately,  
16 on the complaint of either parent or stepparent or, if it is a party in interest, the  
17 Department for Children and Families, the Family Division of the Superior  
18 Court may make such decree concerning parental rights and responsibilities  
19 and parent-child contact (as defined in section 664 of this title), and the support  
20 of the children, as in cases where either parent deserts or without just cause  
21 fails to support the children. Thereafter on the motion of either of the parents,

1 the stepparent, or the Department for Children and Families, the court may  
2 annul, vary, or modify the decrees.

3 (b) Any legal presumption of parentage as set forth in ~~section 308 of this~~  
4 title 15C V.S.A. § 401 or an unrescinded acknowledgment of parentage signed  
5 by the parties and executed in accordance with 15C V.S.A. § 301 shall be  
6 sufficient basis for initiating a support action under this section without any  
7 further proceedings to establish parentage. If a party raises an objection to the  
8 presumption, the court may determine the issue of parentage as part of the  
9 support action. If no written objection to the presumption is raised, an order  
10 under this section shall constitute a judgment on the issue of parentage.

11 Sec. 20. REPEAL

12 15 V.S.A. § 294 (man in the house) is repealed.

13 Sec. 21. 15 V.S.A. § 295 is amended to read:

14 § 295. SUBSTITUTE HUSBAND AND FATHER

15 When a complaint is made under section ~~292, 293 or 294~~ of this title, a  
16 summons shall be issued to the other party directing ~~him to cause his~~  
17 ~~appearance therein to be entered~~ such person to appear not later than 21 days  
18 after the date of the service ~~thereof~~ and show cause why ~~the prayer of the~~  
19 complaint should not be granted, ~~which~~ The summons and ~~the~~ complaint shall  
20 be served on ~~such~~ the party as provided by ~~section 596 or by section 597 of~~  
21 ~~this title~~ Rule 4 of the Vermont Rules for Family Proceedings. After the filing

1 of ~~such~~ the complaint, the Superior Court in which the cause is pending, or any  
2 Superior judge, may, on application of either party make such order concerning  
3 the care and custody of the minor children during the pendency of the  
4 complaint, as is deemed expedient and for the benefit of such children.

5 Sec. 22. 15 V.S.A. § 780(7) is amended to read:

6 (7) “Support order” means any judgment, order, or contract for support  
7 enforceable in this state, including, ~~but not limited to,~~ orders issued pursuant  
8 to:

9 (A) 15 V.S.A. ~~chapter~~ chapters 5 (relating to desertion and support  
10 ~~and parentage), 7 (relating to URESA) or~~ and 11 (relating to annulment and  
11 divorce);

12 (B) 15B V.S.A. chapters 1–19 (relating to Uniform Interstate Family  
13 Support Act); and

14 (C) 15C V.S.A. chapter’s 1–8 (relating to parentage proceedings).

15 Sec. 23. 15 V.S.A. § 558 is amended to read:

16 § 558. ~~WOMAN~~ SPOUSE ALLOWED TO TAKE MAIDEN BIRTH NAME

17 Upon granting a divorce ~~to a woman~~, unless good cause is shown to the  
18 contrary, the court may allow ~~her~~ a spouse to resume ~~her maiden~~ the spouse’s  
19 birth name or the name of a former husband spouse.

20 Sec. 24. 15 V.S.A. § 788 is amended to read:

21 § 788. PARENT’S RESPONSIBILITY

1           (a) Any parent subject to a child support or parental rights and  
2 responsibilities order shall notify in writing the court which issued the most  
3 recent order and the Office of Child Support of his or her current mailing  
4 address and current residence address and of any change in either address  
5 within seven business days of the change, until all obligations to pay support or  
6 support arrearages, or to provide for parental rights and responsibilities are  
7 satisfied. For good cause, the court may keep information provided under this  
8 subsection confidential.

9           (b) When a wage withholding order is in effect, either parent shall notify in  
10 writing the registry of the name and address of a new employer within seven  
11 days of commencing new employment. If the Registry has received  
12 information that a parent has changed employment, it shall notify the other  
13 parent of the fact of the change but shall not disclose the identity or the  
14 location of the employer. On request of a parent, the Registry shall provide  
15 information on the other parent’s wages.

16           (c)(1) In all cases in which a temporary or final order for relief from  
17 abuse has been entered, information provided under this section shall be kept  
18 confidential by the court. The court, for good cause shown, may release such  
19 information.

20           (2) For purposes of this subsection, good cause shall be deemed  
21 established when:





1           (2)(A) If a person may be charged with a violation of subdivision (a)(2)  
2 of this section or with a violation of 7 V.S.A. § 656, the person shall be  
3 charged with a violation of 7 V.S.A. § 656 and not with a violation of this  
4 section.

5           (B) If a person may be charged with a violation of subdivision (a)(2)  
6 of this section or with a violation of 7 V.S.A. § 1005, the person shall be  
7 charged with a violation of 7 V.S.A. § 1005 and not with a violation of this  
8 section.

9           Sec. 26. 27 V.S.A. § 349 is amended to read:

10           § 349. CONVEYANCE TO GRANTOR AND OTHERS

11           (a)(1) Without an intervening conveyance, a person may convey interests  
12 in real estate directly:

13           ~~(1)(A)~~ to ~~himself or herself~~ themselves in a different legal capacity;

14           or

15           ~~(2)(B)~~ to ~~his or her~~ the person's spouse; or

16           ~~(3)(C)~~ to ~~himself or herself~~ themselves and one or more other  
17 persons, including ~~his or her~~ the person's spouse.

18           (2) A person shall not convey an interest in a tenancy by the entirety or  
19 in homestead property to any person except ~~his or her~~ the person's spouse,  
20 unless the spouse joins in the conveyance.

1 (b) A conveyance made pursuant to this section shall be effective to convey  
2 such title as would be conveyed by the deed if the grantor were not also a  
3 grantee.

4 Sec. 27. 27 V.S.A. § 378 is amended to read:

5 § 378. EFFECT OF RECORDING UNACKNOWLEDGED DEED

6 A person interested in a deed or lease not acknowledged may cause the deed  
7 or lease to be recorded without acknowledgment before or during the  
8 application to the court or the proceedings before any of the authorities named  
9 in sections ~~371-376~~ 371-375 of this title; and, when so recorded in the proper  
10 office, it shall be as effectual as though the same had been duly acknowledged  
11 and recorded for 60 days thereafter. If such proceedings for proving the  
12 execution of the deed are pending at the expiration of such 60 days, the effect  
13 of such record shall continue until the expiration of six business days after the  
14 termination of the proceedings.

15 Sec. 28. 27 V.S.A. § 1302 is amended to read:

16 § 1302. DEFINITIONS

17 As used in this chapter, unless the context otherwise requires:

18 \* \* \*

19 (7) “Common expenses” include:

20 (A) all sums lawfully assessed against the apartment or site owners by  
21 the association of owners;

1 (B) expenses of administration, maintenance, repair, or replacement  
2 of the common areas and facilities;

3 (C) expenses agreed upon as common expenses by the association of  
4 owners; and

5 (D) expenses declared common expenses by this chapter, or by the  
6 declaration or the bylaws.

7 Sec. 29. 27 V.S.A. § 1470(a) is amended to read:

8 (a) ~~In~~ As used in this section, “Death Master File” means the U.S. Social  
9 Security Administration Death Master File or other database or service that is  
10 at least as comprehensive as the U.S. Social Security Administration Death  
11 Master File for determining that an individual reportedly has died.

12 Sec. 30. 27 V.S.A. § 1531(b) is amended to read:

13 (b) Before selling property under subsection (a) of this section, the  
14 Administrator shall give notice to the public of:

15 (1) the date of the sale; and

16 (2) a reasonable description of the property.

17 Sec. 31. 27 V.S.A. § 1533(b) is amended to read:

18 (b) Replacement of the security or calculation of market value under  
19 subsection (a) of this section must take into account a stock split, reverse stock  
20 split, stock dividend, or similar corporate action.

21 Sec. 32. 27 V.S.A. § 1552(c) is amended to read:

1 (c) The Administrator shall decide a claim under this section not later than  
2 90 days after it is presented. If the Administrator determines that the other state  
3 is entitled under subsection (a) of this section to custody of the property, the  
4 Administrator shall allow the claim and pay or deliver the property to the other  
5 state.

6 Sec. 33. 27 V.S.A. § 1595(a) is amended to read:

7 (a) If a holder enters into a contract or other arrangement for the purpose of  
8 evading an obligation under this chapter or otherwise willfully fails to perform  
9 a duty imposed on the holder under this chapter, the Administrator may require  
10 the holder to pay the Administrator, in addition to interest as provided in  
11 subsection 1594(a) of this section, a civil penalty of \$1,000.00 for each day the  
12 obligation is evaded or the duty is not performed, up to a cumulative maximum  
13 amount of \$25,000.00, plus 25 percent of the amount or value of property that  
14 should have been but was not reported, paid, or delivered as a result of the  
15 evasion or failure to perform.

16 Sec. 34. 29 V.S.A. § 561 is added to read:

17 § 561. RELEASE OF OIL AND GAS LEASES

18 (a) After the expiration, cancellation, surrender, or relinquishment of an oil  
19 and gas lease, upon written request of the lessor, the lessee shall file a release  
20 or discharge of the lease in the land records of the town or towns where the

1 lands described in the lease are located. The filing shall be in recordable form  
2 and shall include any fees.

3 (b) If any lessee, or the lessee’s personal representative, successor, or  
4 assign, fails or refuses to record a release for a period of 30 days after being so  
5 requested, the lessee shall be liable for all damages occasioned thereby,  
6 including costs and reasonable attorney’s fees.

7 (c) A lessor’s request for release or discharge shall be in writing and  
8 delivered to the lessee by personal service or registered mail at the lessee’s last  
9 known address.

10 Sec. 35. 29 V.S.A. § 563 is added to read:

11 § 563. ABANDONMENT OF OIL AND GAS INTERESTS;

12 PRESERVATION

13 (a) An abandoned interest in oil and gas shall revert to and merge with the  
14 surface estate from which it was severed.

15 (b) An interest in oil and gas is deemed abandoned at any time that:

16 (1) it has been unused for a continuous period of 10 years after July 1,  
17 1973; and

18 (2) no statement of interest under subsection (e) of this section has been  
19 filed at any time within the preceding five years.

20 (c) The provisions of subsection (b) of this section shall not apply to any  
21 interest in oil or gas that has been retained by the owner who originally severed

1 the mineral estate from the surface estate, notwithstanding that other interests  
2 in the land, including ownership of the surface, may have been sold, leased,  
3 mortgaged, or otherwise transferred.

4 (d) This section applies to all interests in oil and gas. It also applies to  
5 interests in other minerals if created inclusively in the same instrument that  
6 expressly creates an oil and gas interest. It does not apply to mineral interests  
7 that do not expressly include an oil and gas interest or were intended to be  
8 separate from an oil and gas interest.

9 (e) An interest in oil and gas is deemed used at any time in which:

10 (1) there is actual production of oil or gas, including production from  
11 lands covered by a lease to which an oil and gas interest is subject, or from  
12 lands pooled or unitized with such lands;

13 (2) oil and gas operations are conducted under the terms of the  
14 instrument creating the oil and gas interest;

15 (3) payment is made of rental or royalties for the purpose of delaying the  
16 use or continuing the use of the oil and gas interest;

17 (4) payment of taxes is made on the oil and gas interest; or

18 (5) there exists a currently valid permit under 10 V.S.A. chapter 151 or a  
19 currently valid drilling permit under this chapter for development of the oil and  
20 gas interest.

1       (f) The owner of an interest in oil or gas may file a statement of interest in  
2       the land records of any municipality in which the land affected is located. The  
3       statement shall include a description of the land affected, the nature of the  
4       interest claimed, the book and page of recording of the original grant of the  
5       interest, and the name and address of the person claiming the interest.

6       (g) The owner of the surface estate from which an oil and gas interest was  
7       severed may give notice of abandonment under this subsection. Notice shall  
8       contain the name of the record owner of the interest; a description of the land  
9       and the nature of the interest; the book and page of filing of the interest, if it is  
10       filed; the name and address of the person giving notice; and a statement that  
11       the interest is presumed abandoned. The notice shall be published in a  
12       newspaper of general circulation in the town or towns where the land affected  
13       is located. If the address of the owner of the oil and gas interest is shown on  
14       record, a copy of the notice shall be mailed to that address by certified or  
15       registered mail within 10 days after the date of publication.

16       (h) A copy of the notice under subsection (g) of this section, and an  
17       affidavit, may be filed in the land records of the municipality in which the land  
18       is located. The affidavit shall state that the oil or gas interest has been  
19       abandoned under the criteria set forth in subsection (b) of this section, and that  
20       notice of abandonment has been given under the criteria set forth in subsection  
21       (g). After the notice and affidavit have been filed, unless a court finds to the



1 contrary, the oil and gas interest shall be presumed abandoned, and the interest  
2 of the surface owner shall be presumed for all purposes free of encumbrance  
3 from that interest.

4 Sec. 36. REPEAL OF SUNSET ON THE USE OF GUN SUPPRESSORS

5 WHILE HUNTING

6 Secs. 8–10 of 2022 Acts and Resolves No. 165 (repealing the authorized  
7 use of gun suppressors while hunting) are repealed.

8 Sec. 37. 2022 Acts and Resolves No. 165, Sec. 11 is amended to read:

9 Sec. 11. EFFECTIVE DATES

10 (a) This section and Sec. 3 (Fish and Wildlife Board rules) shall take effect  
11 on passage.

12 (b) Secs. 2 (moratorium on hunting coyote with aid of dogs) and 4–7 (gun  
13 suppressors) shall take effect on July 1, 2022.

14 (c) Sec. 1 (permit requirement and prohibition on pursuing coyote with aid  
15 of dogs) shall take effect on the effective date of the Fish and Wildlife Board  
16 rules required under Sec. 3 of this act.

17 ~~(d) Secs. 8–10 (repeal of authority to use gun suppressors while hunting)~~  
18 ~~shall take effect on July 1, 2024. [Repealed.]~~

19 Sec. 38. REPEAL OF DEPARTMENT OF CORRECTIONS PILOT

20 PROJECT

1        Sec. 2 of 2021 Acts and Resolves No. 14 (Department of Corrections pilot  
2        project requiring report to court prior to sentencing a defendant to a term of  
3        probation for a felony) is repealed.

4        Sec. 39. EFFECTIVE DATE

5        This act shall take effect on passage.

6

7