

1 S.4

2 An act relating to reducing crimes of violence associated with juveniles and
3 dangerous weapons

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

5 Sec. 1. 33 V.S.A. § 5204 is amended to read:

6 § 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
7 COURT

8 (a) After a petition has been filed alleging delinquency, upon motion of the
9 State's Attorney and after hearing, the Family Division of the Superior Court
10 may transfer jurisdiction of the proceeding to the Criminal Division of the
11 Superior Court if the child had attained 16 years of age but not 19 years of age
12 at the time the act was alleged to have occurred and the delinquent act set forth
13 in the petition is a felony not specified in subdivisions (1)-(12) of this
14 subsection or if the child had attained 12 years of age but not 14 years of age at
15 the time the act was alleged to have occurred, and if the delinquent act set forth
16 in the petition was any of the following:

17 (1) arson causing death as defined in 13 V.S.A. § 501;

18 (2) assault and robbery with a dangerous weapon as defined in
19 13 V.S.A. § 608(b);

20 (3) assault and robbery causing bodily injury as defined in 13 V.S.A.
21 § 608(c);

- 1 (4) aggravated assault as defined in 13 V.S.A. § 1024;
- 2 (5) murder as defined in 13 V.S.A. § 2301 and aggravated murder as
3 defined in 13 V.S.A. § 2311;
- 4 (6) manslaughter as defined in 13 V.S.A. § 2304;
- 5 (7) kidnapping as defined in 13 V.S.A. § 2405;
- 6 (8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;
- 7 (9) maiming as defined in 13 V.S.A. § 2701;
- 8 (10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);
- 9 (11) aggravated sexual assault as defined in 13 V.S.A. § 3253 and
10 aggravated sexual assault of a child as defined in 13 V.S.A. § 3253a; or
- 11 (12) burglary into an occupied dwelling as defined in 13 V.S.A.
12 § 1201(c);
- 13 (13) carrying a firearm while committing a felony in violation of
14 13 V.S.A. § 4005;
- 15 (14) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,
16 subchapter 1;
- 17 (15) human trafficking or aggravated human trafficking in violation of
18 13 V.S.A. § 2652 or 2653;
- 19 (16) aggravated stalking as defined in 13 V.S.A. § 1063(a)(3);
- 20 (17) an attempt to commit any of the offenses listed in this subsection;
21 or

1 (18) a violation of a condition of release as defined in 13 V.S.A. § 7559
2 imposed by the Criminal Division for any of the offenses listed in this
3 subsection or for any other offense that was transferred from the Family
4 Division pursuant to this section, unless the proceeding is the subject of a final
5 order accepting the case for youthful offender treatment pursuant to subsection
6 5281(d) of this title.

7 (b) The State’s Attorney of the county where the juvenile petition is
8 pending may move in the Family Division of the Superior Court for an order
9 transferring jurisdiction under subsection (a) of this section at any time prior to
10 adjudication on the merits. The filing of the motion to transfer jurisdiction
11 shall automatically stay the time for the hearing provided for in section 5225 of
12 this title, which stay shall remain in effect until such time as the Family
13 Division of the Superior Court may deny the motion to transfer jurisdiction.

14 (c) Upon the filing of a motion to transfer jurisdiction under subsection (b)
15 of this section, the Family Division of the Superior Court shall conduct a
16 hearing in accordance with procedures specified in subchapter 2 of this chapter
17 to determine whether:

18 (1) there is probable cause to believe that the child committed the
19 charged offense; and

1 (2) public safety and the interests of the community would not be served
2 by treatment of the child under the provisions of law relating to the Family
3 Division of the Superior Court and delinquent children.

4 (d) In making its determination as required under subsection (c) of this
5 section, the court may consider, among other matters:

6 (1) the maturity of the child as determined by consideration of the
7 child's age, home, and environment; emotional, psychological, and physical
8 maturity; and relationship with and adjustment to school and the community;

9 (2) the extent and nature of the child's prior record of delinquency;

10 (3) the nature of past treatment efforts and the nature of the child's
11 response to them, including the child's mental health treatment and substance
12 abuse treatment and needs;

13 (4) the nature and circumstances of the alleged offense, including
14 whether the alleged offense was committed in an aggressive, violent,
15 premeditated, or willful manner;

16 (5) the nature of any personal injuries resulting from or intended to be
17 caused by the alleged act;

18 (6) the prospects for rehabilitation of the child by use of procedures,
19 services, and facilities available through juvenile proceedings;

1 (7) whether the protection of the community would be better served by
2 transferring jurisdiction from the Family Division to the Criminal Division of
3 the Superior Court;

4 (8) the youth's residential housing status;

5 (9) the youth's employment and educational situation;

6 (10) whether the youth has complied with conditions of release;

7 (11) the youth's criminal record and whether the youth has engaged in
8 subsequent criminal or delinquent behavior since the original charge;

9 (12) whether the youth has connections to the community; and

10 (13) the youth's history of violence and history of illegal or violent
11 conduct involving firearms.

12 (e) A transfer under this section shall terminate the jurisdiction of the
13 Family Division of the Superior Court over the child only with respect to those
14 delinquent acts alleged in the petition with respect to which transfer was
15 sought.

16 (f)(1) The Family Division, following completion of the transfer hearing,
17 shall make findings and, if the court orders transfer of jurisdiction from the
18 Family Division, shall state the reasons for that order. If the Family Division
19 orders transfer of jurisdiction, the child shall be treated as an adult. The State's
20 Attorney shall commence criminal proceedings as in cases commenced against
21 adults.

1 (a) No person shall knowingly or recklessly permit a dwelling, building, or
2 structure owned by or under the control of the person to be used for the
3 purpose of illegally ~~dispensing or~~ selling a regulated drug.

4 (b) ~~A landlord shall be in violation of subsection (a) of this section only if~~
5 ~~the landlord knew at the time he or she signed the lease agreement that the~~
6 ~~tenant intended to use the dwelling, building, or structure for the purpose of~~
7 ~~illegally dispensing or selling a regulated drug. [Repealed.]~~

8 (c) A person who violates this section shall be imprisoned not more than
9 ~~two~~ five years or fined not more than ~~\$1,000.00~~ \$15,000.00, or both.

10 (d) It shall not be a violation of this section if the person who owns or
11 controls the dwelling, building, or structure takes action to address the
12 unlawful activity, including reporting the unlawful activity to law enforcement
13 or initiating eviction proceedings.

14 (e) As used in this section, “recklessly” means consciously disregarding a
15 substantial and unjustifiable risk.

16 Sec. 3. 13 V.S.A. chapter 60, subchapter 1, is amended to read:

17 Subchapter 1. Criminal Acts

18 * * *

19 § 2659. KNOWINGLY OR RECKLESSLY PERMITTING HUMAN

20 TRAFFICKING IN A DWELLING

1 (a) No person shall knowingly or recklessly permit a dwelling, building, or
2 structure owned by or under the control of the person to be used for the
3 purpose of human trafficking or aggravated human trafficking in violation of
4 section 2652 or 2653 of this title.

5 (b) A person who violates this section shall be imprisoned not more than
6 five years or fined not more than \$15,000.00, or both.

7 (c) It shall not be a violation of this section if the person who owns or
8 controls the dwelling, building, or structure takes action to address the
9 unlawful activity, including reporting the unlawful activity to law enforcement
10 or initiating eviction proceedings.

11 (d) As used in this section, “recklessly” means consciously disregarding a
12 substantial and unjustifiable risk.

13 Sec. 4. 13 V.S.A. § 4024 is added to read:

14 § 4024. DEFACING OF FIREARM’S SERIAL NUMBER

15 (a) A person shall not knowingly possess a firearm that has had the
16 importer’s or manufacturer’s serial number removed, obliterated, or altered.

17 (b) A person who violates this section shall be imprisoned not more than
18 five years or fined not more than \$50,000.00, or both.

19 (c) As used in this section:

20 (1) “Firearm” has the same meaning as in section 4017 of this title.

1 (2) “Importer” means any person engaged in the business of importing
2 or bringing firearms or ammunition into the United States for purposes of sale
3 or distribution.

4 (3) “Manufacturer” means any person engaged in the business of
5 manufacturing firearms or ammunition for purposes of sale or distribution.

6 (d) Conduct constituting the offense of defacing a firearm’s serial number
7 may be considered a violent act for the purposes of determining whether a
8 person is eligible for bail under section 7553a of this title.

9 Sec. 5. 13 V.S.A. § 4025 is added to read:

10 § 4025. STRAW PURCHASING OF FIREARMS

11 (a) A person shall not purchase a firearm for, on behalf of, or at the request
12 of another person if the purchaser knows or reasonably should know that the
13 other person:

14 (1) is prohibited by state or federal law from possessing a firearm;

15 (2) intends to carry the firearm while committing a felony; or

16 (3) intends to transfer the firearm to another person who:

17 (A) is prohibited by state or federal law from possessing a firearm; or

18 (B) intends to carry the firearm while committing a felony.

19 (b) It shall not be a violation of this section if the person purchased the
20 firearm as a result of threats or coercion by another person.

1 (c) A person who violates this section shall be imprisoned not more than
2 five years or fined not more than \$50,000.00, or both.

3 (d) As used in this section, “firearm” has the same meaning as in section
4 4017 of this title.

5 (e) Conduct constituting the offense of straw purchasing of firearms may
6 be considered a violent act for the purposes of determining whether a person is
7 eligible for bail under section 7553a of this title.

8 Sec. 6. 13 V.S.A. § 4017a is added to read:

9 § 4017a. FUGITIVES FROM JUSTICE; PERSONS SUBJECT TO FINAL
10 RELIEF FROM ABUSE OR STALKING ORDER; PERSONS
11 CHARGED WITH CERTAIN OFFENSES; PROHIBITION ON
12 POSSESSION OF FIREARMS

13 (a) A person shall not possess a firearm if the person:

14 (1) is a fugitive from justice;

15 (2) is the subject of a final relief from abuse order issued pursuant to

16 15 V.S.A. § 1104;

17 (3) is the subject of a final order against stalking issued pursuant to

18 12 V.S.A. § 5133; or

19 (4) against whom charges are pending for:

20 (A) carrying a dangerous weapon while committing a felony in

21 violation of section 4005 of this title;

1 (B) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,
2 subchapter 1; or

3 (C) human trafficking or aggravated human trafficking in violation of
4 section 2652 or 2653 of this title.

5 (b) A person who violates this section shall be imprisoned not more than
6 two years or fined not more than \$1,000.00, or both.

7 (c) As used in this section:

8 (1) “Firearm” has the same meaning as in section 4017 of this title.

9 (2) “Fugitive from justice” means a person who has fled to avoid
10 prosecution for a crime or to avoid giving testimony in a criminal proceeding.

11 Sec. 7. 13 V.S.A. § 4005 is amended to read:

12 § 4005. WHILE COMMITTING A ~~CRIME~~ FELONY

13 (a) Except as otherwise provided in 18 V.S.A. § 4253, a person who carries
14 a dangerous or deadly weapon, openly or concealed, while committing a felony
15 shall be imprisoned not more than five years or fined not more than \$500.00,
16 or both.

17 (b)(1) Carrying a firearm while committing a felony in violation of this
18 section may be considered a violent act for the purposes of determining
19 whether a person is eligible for bail under section 7553a of this title.

1 (2) The Commissioner of Health, in consultation with the Department of
2 Public Safety and the Executive Director of Racial Equity, shall develop and
3 publish guidelines, for the award of Community Violence Prevention grants.
4 The guidelines shall include a focus on increasing community capacity to
5 implement approaches for human services, public health, and public safety
6 collaboration to address root causes of community violence and substance use
7 through data-driven projects.

8 (c) The Community Violence Prevention Program shall collect data to
9 monitor youth and community violence and its related risk and protective
10 factors and to evaluate the impact of prevention efforts and shall use the data to
11 plan and implement programs. The Program shall use monitoring and
12 evaluation data to track the impact of interventions.

13 Sec. 10. APPROPRIATION

14 (a) Grants awarded from State funds to the Community Violence
15 Prevention Program established by 18 V.S.A. § 13 shall be dependent upon the
16 amount of the appropriation.

17 (b) The Department of Health is authorized to seek and accept grant
18 funding for the purpose of supporting the Community Violence Prevention
19 Program to supplement State appropriations.

20 (c) If funding is available for the Community Violence Prevention Program
21 from federal grants or legal settlements related to drug use or criminal activity:

1 describing the progress made toward implementing the requirement of Secs. 11
2 and 12 of this act that the Raise the Age initiative take effect on July 1, 2024.

3 Sec. 14. SENTENCING COMMISSION REPORT

4 On or before December 15, 2023, the Vermont Sentencing Commission
5 shall report to the Joint Legislative Justice Oversight Committee and the
6 Senate and House Committees on Judiciary on whether the offenses for which
7 transfer from the Family Division to the Criminal Division is permitted under
8 33 V.S.A. § 5204(a) should be expanded to include:

9 (1) first degree arson as defined in 13 V.S.A. § 502 or second degree
10 arson as defined in 13 V.S.A. § 503;

11 (2) stalking as defined in 13 V.S.A. § 1062;

12 (3) domestic assault as defined in 13 V.S.A. § 1042, first degree
13 aggravated domestic assault as defined in 13 V.S.A. § 1043, and second degree
14 aggravated domestic assault as defined in 13 V.S.A. § 1044;

15 (4) selling or dispensing a regulated drug with death resulting as defined
16 in 18 V.S.A. § 4250;

17 (5) using a firearm while selling or dispensing a drug as defined in
18 18 V.S.A. § 4253;

19 (6) carrying a dangerous or deadly weapon while committing a felony as
20 defined in 13 V.S.A. § 4005;

1 (7) lewd or lascivious conduct as defined in 13 V.S.A. § 2601 or lewd or
2 lascivious conduct with a child as defined in 13 V.S.A. § 2602;

3 (8) eluding a police officer with serious bodily injury or death resulting
4 as defined in 23 V.S.A. § 1133(b);

5 (9) willful and malicious injuries caused by explosives as defined in
6 13 V.S.A. § 1601, injuries caused by destructive devices as defined in
7 13 V.S.A. § 1605, or injuries caused by explosives as defined in 13 V.S.A.
8 § 1608;

9 (10) grand larceny as defined in 13 V.S.A. § 2501 or larceny from the
10 person as defined in 13 V.S.A. § 2503;

11 (11) operating vehicle under the influence of alcohol or other substance
12 with either death or serious bodily injury resulting as defined in 23 V.S.A.
13 § 1210(f) and (g);

14 (12) careless or negligent operation resulting in serious bodily injury or
15 death as defined in 23 V.S.A. § 1091(b);

16 (13) leaving the scene of an accident with serious bodily injury or death
17 as defined in 23 V.S.A. § 1128(b) or (c);

18 (14) a hate-motivated crime as defined in 13 V.S.A. § 1455;

19 (15) conspiracy as defined in 13 V.S.A. § 1404; or

1 (16) a violation of an abuse prevention order as defined in 13 V.S.A.
2 § 1030 or violation of an order against stalking or sexual assault as defined in
3 12 V.S.A. § 5138.

4 Sec. 15. SEVERABILITY

5 As set forth in 1 V.S.A. § 215, the provisions of this act are severable, and if
6 a court finds any provision of this act to be invalid, or if any application of this
7 act to any person or circumstance is invalid, the invalidity shall not affect other
8 provisions or applications that can be given effect without the invalid provision
9 or application.

10 Sec. 16. EFFECTIVE DATE

11 This act shall take effect on passage.