

1 H.178

2 An act relating to commissioning Department of Corrections personnel as
3 notaries public

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

5 Sec. 1. 26 V.S.A. § 5305 is amended to read:

6 § 5305. EXEMPTIONS

7 (a) Judiciary- and law enforcement-related employees.

8 (1) Employee exemptions.

9 * * *

10 (B) Law enforcement-related.

11 (i) The persons set forth in subdivision (2)(B) of this subsection,
12 when acting within the scope of their official duties, shall be commissioned as
13 notaries public authorized to perform a notarial act as a matter of law and are
14 exempt from all of the requirements of this chapter, including the requirement
15 to pay the fee set forth in section 5324 of this chapter.

16 (ii) A notarial act that identifies the notary public as a person who
17 is exempt under this subdivision (B) shall establish as a matter of law that the
18 person is commissioned as a notary public for the purpose of acting within the
19 scope of official duties under this subsection.

20 (2) Employees, defined.

21 * * *

1 (B) Law enforcement-related. Persons employed as law enforcement
2 officers certified under 20 V.S.A. chapter 151; who are noncertified
3 constables; or who are employed by a Vermont law enforcement agency, the
4 Department of Public Safety, of Fish and Wildlife, of Motor Vehicles, of
5 Liquor and Lottery, of Corrections, or for Children and Families, the Office of
6 the Defender General, the Office of the Attorney General, or a State’s Attorney
7 or Sheriff.

8 (3) Official duties, defined. As used in subdivision (1) of this
9 subsection, “acting within the scope of official duties” means that a person is
10 notarizing a document that:

11 (A) ~~he or she~~ the person believes is related to the execution of ~~his or~~
12 ~~her~~ the person’s duties and responsibilities of employment or is the type of
13 document that other employees notarize in the course of employment;

14 (B) is useful or of assistance to any person or entity identified in
15 subdivision (2) of this subsection (a);

16 (C) is required, requested, created, used, submitted, or relied upon by
17 any person or entity identified in subdivision (2) of this subsection (a);

18 (D) is necessary in order to assist in the representation, care, or
19 protection of a person or the State;

20 (E) is necessary in order to protect the public or property;

1 (F) is necessary to represent or assist crime victims in receiving
2 restitution or other services;

3 (G) relates to a Vermont or federal court rule or statute governing any
4 criminal, postconviction, mental health, family, juvenile, civil, probate,
5 Judicial Bureau, Environmental Division, or Supreme Court matter; or

6 (H) relates to a matter subject to Title 4, 12, 13, 15, 18, 20, 23, or 33
7 of the Vermont Statutes Annotated.

8 * * *

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect upon passage.