

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 534  
3 entitled “An act relating to retail theft” respectfully reports that it has  
4 considered the same and recommends that the Senate propose to the House that  
5 the bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 2575 is amended to read:

8 § 2575. OFFENSE OF RETAIL THEFT

9 A person commits the offense of retail theft when the person, with intent of  
10 depriving a merchant wrongfully of the lawful possession of merchandise,  
11 money, or credit:

12 (1) takes and carries away or causes to be taken and carried away or aids  
13 and abets the carrying away of; any merchandise from a retail mercantile  
14 establishment without paying the retail value of the merchandise; or

15 \* \* \*

16 Sec. 2. 13 V.S.A. § 2577 is amended to read:

17 § 2577. PENALTY

18 (a) A person convicted of the offense of retail theft of merchandise having  
19 a retail value not in excess of \$900.00 shall:

20 (1) for a first offense, be punished by a fine of not more than \$500.00 or  
21 imprisonment for not more than six months, or both;



1 ~~Sec. 4. 13 V.S.A. § 7030 is amended to read:~~

2 ~~§ 7030. SENTENCING ALTERNATIVES~~

3 ~~(a) In determining which of the following should be ordered, the court shall~~  
4 ~~consider the nature and circumstances of the crime; the history and character of~~  
5 ~~the defendant; the defendant's family circumstances and relationships; the~~  
6 ~~impact of any sentence upon the defendant's minor children; the need for~~  
7 ~~treatment; and the risk to self, others, and the community at large presented by~~  
8 ~~the defendant:~~

9 ~~(1) A deferred sentence pursuant to section 7041 of this title.~~

10 ~~(2) Referral to a community reparative board pursuant to 28 V.S.A.~~  
11 ~~chapter 12 in the case of an offender who has pled guilty to a nonviolent~~  
12 ~~felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the~~  
13 ~~subject areas prohibited for referral to a community justice center under~~  
14 ~~24 V.S.A. § 1967. Referral to a community reparative board pursuant to this~~  
15 ~~subdivision does not require the court to place the offender on probation. The~~  
16 ~~offender shall return to court for further sentencing if the reparative board does~~  
17 ~~not accept the case or if the offender fails to complete the reparative board~~  
18 ~~program to the satisfaction of the board in a time deemed reasonable by the~~  
19 ~~board.~~

20 ~~(3) Community restitution pursuant to a policy adopted by the~~  
21 ~~Commissioner of Corrections.~~

- 1           ~~(4) Probation pursuant to 28 V.S.A. § 205.~~
- 2           ~~(4)(5) Supervised community sentence pursuant to 28 V.S.A. § 352.~~
- 3           ~~(5)(6) Sentence of imprisonment.~~
- 4           ~~(b) When ordering a sentence of probation, the court may require~~
- 5           ~~participation in the Restorative Justice Program established by 28 V.S.A.~~
- 6           ~~chapter 12 as a condition of the sentence.~~

7           Sec. 5. EFFECTIVE DATE

8           This act shall take effect on passage.

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(Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE