

1 S.58

2 Senator Sears moves that the bill be amended by Striking Sec. 3 in its
3 entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

4 Sec. 3. 33 V.S.A. § 5201 is amended to read:

5 § 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

6 * * *

7 (c)(1) Any proceeding concerning a child who is alleged to have committed
8 an act specified in subsection 5204(a) of this title after attaining 14 years of
9 age, but not 22 years of age, shall originate in the Criminal Division of the
10 Superior Court, provided that jurisdiction may be transferred in accordance
11 with this chapter and chapter 52A of this title, unless the State’s Attorney files
12 the charge directly as a youthful offender petition in the Family Division.

13 (2)(A) Any proceeding concerning a child who is alleged to have
14 committed one of the following acts after attaining 14 years of age, but not 22
15 years of age, shall originate in the Criminal Division of the Superior Court,
16 provided that jurisdiction may be transferred in accordance with this chapter
17 and chapter 52A of this title, unless the State’s Attorney files the charge
18 directly as a youthful offender petition in the Family Division:

19 (i) a violation of a condition of release as defined in 13 V.S.A. §
20 7559 imposed by the Criminal Division for any of the offenses listed in
21 subsection 5204(a) of this title; or

1 (ii) a violation of a condition of release as defined in 13 V.S.A. §
2 7559 imposed by the Criminal Division for an offense that was transferred
3 from the Family Division pursuant to section 5204 of this title.

4 (B) This subdivision (2) shall not apply to a proceeding that is the
5 subject of a final order accepting the case for youthful offender treatment
6 pursuant to subsection 5281(d) of this title.

7 (3) Any proceeding concerning a child who is alleged to have
8 committed one of the following acts after attaining 16 years of age, but not 22
9 years of age, shall originate in the Criminal Division of the Superior Court,
10 provided that jurisdiction may be transferred in accordance with this chapter
11 and chapter 52A of this title, unless the State’s Attorney files the charge
12 directly as a youthful offender petition in the Family Division:

13 (i) using a firearm while committing a felony in violation of
14 13 V.S.A. § 4005;

15 (ii) trafficking a regulated drug in violation of 18 V.S.A. chapter
16 84, subchapter 1; or

17 (iii) aggravated stalking as defined in 13 V.S.A. § 1063(a)(3).