

1 H.534

2 An act relating to retail theft

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

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

5 § 2575. OFFENSE OF RETAIL THEFT

6 A person commits the offense of retail theft when the person, with intent of
7 depriving a merchant wrongfully of the lawful possession of merchandise,
8 money, or credit:

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

12 * * *

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

14 § 2577. PENALTY

15 (a) A person convicted of the offense of retail theft of merchandise having
16 a retail value not in excess of \$900.00 shall be punished by a fine of not more
17 than \$500.00 or imprisonment for not more than six months, or both.

18 (b) A person convicted of the offense of retail theft of merchandise having
19 a retail value in excess of \$900.00 shall be punished by a fine of not more than
20 \$1,000.00 or imprisonment for not more than 10 years, or both.

21 * * *

1 (d)(1) A person who commits more than one retail theft offense in violation
2 of subdivision 2575(1) of this title in one or more locations within a 14-day
3 period and within a single county shall be punished by a fine of not more than
4 \$1,000.00 or imprisonment for not more than 10 years, or both, if the aggregate
5 retail value of the merchandise taken away exceeds \$900.00.

6 (2) This subsection shall be repealed on July 1, 2027.

7 Sec. 3. INTENT

8 It is the intent of the General Assembly that the Department of Corrections
9 reinststitute the Community Restitution Program and ensure that it is
10 appropriately staffed and resourced so that it may be offered in all 14 counties
11 as a sentencing alternative.

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

13 § 7030. SENTENCING ALTERNATIVES

14 (a) In determining which of the following should be ordered, the court shall
15 consider the nature and circumstances of the crime; the history and character of
16 the defendant; the defendant's family circumstances and relationships; the
17 impact of any sentence upon the defendant's minor children; the need for
18 treatment; and the risk to self, others, and the community at large presented by
19 the defendant:

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

1 (2) Referral to a community reparative board pursuant to 28 V.S.A.
2 chapter 12 in the case of an offender who has pled guilty to a nonviolent
3 felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the
4 subject areas prohibited for referral to a community justice center under
5 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this
6 subdivision does not require the court to place the offender on probation. The
7 offender shall return to court for further sentencing if the reparative board does
8 not accept the case or if the offender fails to complete the reparative board
9 program to the satisfaction of the board in a time deemed reasonable by the
10 board.

11 (3) Community restitution pursuant to a policy adopted by the
12 Commissioner of Corrections.

13 ~~(4)~~ Probation pursuant to 28 V.S.A. § 205.

14 ~~(4)~~~~(5)~~ Supervised community sentence pursuant to 28 V.S.A. § 352.

15 ~~(5)~~~~(6)~~ Sentence of imprisonment.

16 (b) When ordering a sentence of probation, the court may require
17 participation in the Restorative Justice Program established by 28 V.S.A.
18 chapter 12 as a condition of the sentence.

19 Sec. 5. EFFECTIVE DATE

20 This act shall take effect on passage.