

1 H.523

2 Introduced by Committee on Judiciary

3 Date:

4 Subject: Judiciary; jury duty questionnaire; registration of custody
5 determinations; court fees; judicial record keeping

6 Statement of purpose of bill as introduced: This bill proposes to:

7 (1) permit the court flexibility in making jury questionnaires available for
8 inspection to accommodate for questionnaires completed online;

9 (2) require the Family Division of the Superior Court, instead of the Court
10 Administrator, to notify parties of a child custody determination issued by
11 another jurisdiction;

12 (3) impose codified fees for the filing for expungement of criminal records
13 and filing out-of-state custody orders;

14 (4) permit the Court Administrator flexibility in choosing whether to
15 transcribe damaged court records;

16 (5) allow duplicate documents to be used when court records are lost;

17 (6) repeal Vermont laws related to judicial record keeping that are
18 addressed by the Vermont Rules of Civil Procedure, Vermont Rules of
19 Criminal Procedure, Rules for Access to Public Records, Administrative
20 Orders, and Administrative Directives; and

1 (7) repeal the transitional provisions of the consolidated probate court
2 system from 2009 Acts and Resolves No. 4.

3 ~~An act relating to jury questionnaires, the filing of foreign child custody~~
4 ~~determinations, court fees, and judicial record keeping~~ *An act relating to*
5 *court administration and procedure*

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

7 Sec. 1. 4 V.S.A. § 955 is amended to read:

8 § 955. QUESTIONNAIRE

9 The clerk shall send a jury questionnaire prepared by the ~~court administrator~~
10 Court Administrator to each person selected. When returned, it shall be
11 retained in the ~~superior court clerk's office~~ Office of the Superior Court Clerk.
12 ~~The questionnaire shall at all times during business hours be open to inspection~~
13 ~~by the court and attorneys of record of the state of Vermont.~~ Pursuant to
14 section 952 of this title, the Court Administrator shall promulgate rules
15 governing the inspection and availability of the juror questionnaires and the
16 information contained in them.

17 Sec. 2. 15 V.S.A. § 1085 is amended to read:

18 § 1085. REGISTRATION OF CHILD CUSTODY DETERMINATION

19 * * *

20 (b) On receipt of the documents required by subsection (a) of this section,
21 the ~~court administrator~~ Family Division shall:

1 ~~(1) cause the determination to be filed send the certified copy of the~~
2 ~~determination to the Court Administrator who shall file it as a foreign~~
3 ~~judgment, together with one copy of any accompanying documents and~~
4 ~~information, regardless of their form; and~~

5 * * *

6 Sec. 3. 32 V.S.A. § 1431 is amended to read:

7 § 1431. FEES IN SUPREME AND SUPERIOR COURTS

8 * * *

9 (2) Prior to the entry of any divorce or annulment proceeding in the
10 ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk
11 of the Court for the benefit of the state a fee of \$250.00 in lieu of all other fees
12 not otherwise set forth in this section. If the divorce or annulment complaint is
13 filed with a stipulation for a final order ~~acceptable to the court~~, the fee shall be
14 \$75.00 if one or both of the parties are residents, and \$150.00 if neither party is
15 a resident, except that if the stipulation is not acceptable to the Court or if a
16 matter previously agreed to becomes contested, the difference between the full
17 fee and the reduced fee shall be paid to the Court prior to the issuance of a final
18 order.

19 (3) Prior to the entry of any parentage or desertion and support
20 proceeding brought under 15 V.S.A. chapter 5 of Title 15 in the ~~superior court~~
21 Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court

1 ~~for the benefit of the state State a fee of \$100.00 in lieu of all other fees not~~
2 otherwise set forth in this section; ~~however, if, If the parentage or desertion~~
3 and support complaint is filed with a stipulation for a final order acceptable to
4 the ~~court~~ Court, the fee shall be \$25.00 except that if the stipulation is not
5 acceptable to the Court or if a matter previously agreed to becomes contested,
6 the difference between the full fee and the reduced fee shall be paid to the
7 Court prior to the issuance of a final order.

8 (4) Prior to the entry of any motion or petition to enforce an order for
9 parental rights and responsibilities, parent-child contact, or maintenance in the
10 ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk
11 of the Court for the benefit of the ~~state~~ State a fee of \$75.00 in lieu of all other
12 fees not otherwise set forth in this section. Prior to the entry of any motion or
13 petition to vacate or modify an order for parental rights and responsibilities,
14 parent-child contact, or maintenance in the ~~superior court~~ Superior Court, there
15 shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the
16 ~~state~~ State a fee of \$100.00 in lieu of all other fees not otherwise set forth in
17 this section. However, if the motion or petition is filed with a stipulation for an
18 order ~~acceptable to the court~~, the fee shall be \$25.00. All motions or petitions
19 filed by one party at one time shall be assessed one fee except that if the
20 stipulation is not acceptable to the Court or if a matter previously agreed to

1 ~~becomes contested, the difference between the full fee and the reduced fee~~
2 shall be paid to the Court prior to the issuance of a final order.

3 (5) Prior to the entry of any motion or petition to vacate or modify an
4 order for child support in the ~~superior court~~ Superior Court, there shall be paid
5 to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a
6 fee of \$35.00 in lieu of all other fees not otherwise set forth in this section;
7 ~~however, if~~ If the motion or petition is filed with a stipulation for an order
8 ~~acceptable to the court~~, there shall be no fee except that if the stipulation is not
9 acceptable to the Court or if a matter previously agreed to becomes contested,
10 the difference between the full fee and the reduced fee shall be paid to the
11 Court prior to the issuance of a final order. A motion or petition to enforce an
12 order for child support shall require no fee. All motions or petitions filed by
13 one party at one time shall be assessed one fee; if a simultaneous motion is
14 filed by a party under subdivision (4) of this subsection, the fee under
15 subdivision (4) shall be the only fee assessed.

16 (6) Prior to the registration in Vermont of a child custody determination
17 issued by a court of another state, there shall be paid to the Clerk of the Court
18 for the benefit of the State a fee of \$75.00 unless the request for registration is
19 filed with a simultaneous motion for enforcement, in which event the fee for
20 registration shall be \$30.00 in addition to the fee for the motion as provided in
21 subdivision (4) of this subsection.

1 ~~(b) For economic cause, the probate judge may waive this fee. Pursuant to~~
2 Rule 3.1 of the Vermont Rules of Civil Procedure, part of the filing fee may be
3 waived if the Court finds the applicant is unable to pay it. The Court shall use
4 procedures established in subsection 1431(h) of this title to determine the fee.
5 No fee shall be charged for necessary documents pertaining to the opening of
6 estates, trusts, and guardianships, including the issuance of two certificates of
7 appointment and respective letters. No fee shall be charged for the issuance of
8 two certified copies of adoption decree and two certified copies of instrument
9 changing name.

10 * * *

11 Sec. 5. 4 V.S.A. § 657 is amended to read:

12 § 657. TRANSCRIBING DAMAGED RECORDS

13 When records in the ~~court clerk's office~~ Office of the Superior Court Clerk
14 become faded, defaced, torn, or otherwise injured, so as to endanger the
15 permanent legibility or proper preservation of the same, ~~by an order in writing~~
16 ~~recorded in the court clerk's office, the court administrator shall~~ the Court
17 Administrator may direct the court clerk Court Clerk to provide suitable books
18 and transcribe such records therein. At the end of a transcript of record so
19 made, the ~~clerk~~ Clerk shall certify under official signature and the seal of the
20 ~~court~~ Court that the same is a true transcript of the original record. Such
21 transcript or a duly certified copy thereof shall be entitled to the same faith and

1 ~~credit and have the same force as the original record. The expense of making~~
2 such transcript shall be paid by the ~~state~~ State.

3 Sec. 6. 4 V.S.A. § 659 is amended to read:

4 § 659. PRESERVATION OF COURT RECORDS

5 (a) The ~~supreme court~~ Supreme Court by administrative order may provide
6 for permanent preservation of all court records by any photographic or
7 electronic or comparable process ~~which will provide compact records in~~
8 ~~reduced size, in accordance with standards established by the secretary of state~~
9 ~~which~~ that shall be no less protective of the records than the standards
10 established by the state archives and records administration programs that take
11 into account the quality and security of the records, and ready access to the
12 record of any cause so recorded.

13 (b) After preservation in accordance with subsection (a) of this section, the
14 ~~supreme court~~ Supreme Court by administrative order may provide for the
15 disposition of original court records by destruction or in cases where the
16 original court record may have historical or intrinsic value by transfer to the
17 archives of the ~~secretary of state, the Vermont historical society, or the~~
18 ~~University of Vermont~~ Secretary of State.

1 ~~Sec. 7. 4 V.S.A. § 732 is amended to read:~~

2 ~~§ 732. LOST WRIT OR COMPLAINT FILING OF NEW PAPERS~~

3 DOCUMENT OR RECORD

4 When ~~the writ or complaint~~ a court document, record, or file in an action
5 pending in court is lost, mislaid, or destroyed, the court, ~~on written motion for~~
6 ~~that purpose,~~ may order a writ or a complaint for the same cause of action
7 duplicate document, record, or file to be filed under such regulations
8 conditions as the court prescribes, ~~and the same proceedings shall be had~~
9 ~~thereon as though it were the original writ or complaint. If the plaintiff refuses~~
10 ~~to file such writ or complaint, the court shall direct a nonsuit in the action, and~~
11 ~~tax costs for the defendant. A duplicate document or record shall have the~~
12 same validity and may be used in evidence in the same manner as the original
13 document, record, or file.

14 Sec. 8. 4 V.S.A. § 740 is amended to read:

15 § 740. COURT RECORDS; DOCKETS; CERTIFIED COPIES

16 The ~~supreme court~~ Supreme Court by administrative order or directive shall
17 provide for the preparation, maintenance, recording, indexing, docketing,
18 preservation, and storage of all court records and the provision, subject to
19 confidentiality requirements of law or court rules, of certified copies of those
20 records to persons requesting them.

1 ~~Sec. 9. REPEAL~~

2 ~~4 V.S.A. §§ 652 (records of judgments and other proceedings; docket;~~
3 ~~certified copies), 655 (court accounts), 656 (index of records), 658 (supreme~~
4 ~~court records), 695 (accounts of court officer and reporter), 734 (copy of lost~~
5 ~~petition), 735 (record of proceedings), 736 (lost records or judgment files;~~
6 ~~recording of copy), 737 (appeal or exception), and 738 (costs for recording);~~
7 ~~2009 Acts and Resolves No. 4, Sec. 121 (transitional provisions for merger of~~
8 ~~Bennington and Manchester probate courts); and 2009 Acts and Resolves~~
9 ~~No. 4, Sec. 125 (transitional provisions of the consolidated probate court~~
10 ~~system) are repealed.~~

11 Sec. 10. EFFECTIVE DATES

12 ~~This act shall take effect on July 1, 2013, except this section and Sec. 2~~
13 ~~(registration of child custody determination) of this act, which shall take effect~~
14 ~~on passage.~~

Sec. 1. 4 V.S.A. § 955 is amended to read:

§ 955. QUESTIONNAIRE

*The clerk shall send a jury questionnaire prepared by the ~~court~~
~~administrator~~ Court Administrator to each person selected. When returned, it
shall be retained in the ~~superior court clerk's office~~ Office of the Superior
Court Clerk. ~~The questionnaire shall at all times during business hours be
open to inspection by the court and attorneys of record of the state of Vermont.~~*

Pursuant to section 952 of this title, the Court Administrator shall promulgate rules governing the inspection and availability of the juror questionnaires and the information contained in them.

Sec. 2. 15 V.S.A. § 1085 is amended to read:

§ 1085. REGISTRATION OF CHILD CUSTODY DETERMINATION

* * *

(b) On receipt of the documents required by subsection (a) of this section, the court administrator Family Division shall:

(1) ~~cause the determination to be filed~~ send the certified copy of the determination to the Court Administrator who shall file it as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

* * *

Sec. 3. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

* * *

(2) Prior to the entry of any divorce or annulment proceeding in the superior court Superior Court, there shall be paid to the clerk of the court Clerk of the Court for the benefit of the state a fee of \$250.00 in lieu of all other fees not otherwise set forth in this section. If the divorce or annulment complaint is filed with a stipulation for a final order ~~acceptable to the court,~~

the fee shall be \$75.00 if one or both of the parties are residents, and \$150.00 if neither party is a resident, except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(3) Prior to the entry of any parentage or desertion and support proceeding brought under 15 V.S.A. chapter 5 ~~of Title 15~~ in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$100.00 in lieu of all other fees not otherwise set forth in this section; ~~however, if~~ If the parentage or desertion and support complaint is filed with a stipulation for a final order acceptable to the ~~court~~ Court, the fee shall be \$25.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(4) Prior to the entry of any motion or petition to enforce ~~an~~ a final order for parental rights and responsibilities, parent-child contact, property division, or maintenance in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$75.00 in lieu of all other fees not otherwise set forth in this section. Prior to the entry of any motion or petition to vacate or modify ~~an~~ a final order

for parental rights and responsibilities, parent-child contact, or maintenance in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$100.00 in lieu of all other fees not otherwise set forth in this section. However, if the motion or petition is filed with a stipulation for an order ~~acceptable to the court~~, the fee shall be \$25.00. ~~All motions or petitions filed by one party at one time shall be assessed one fee except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. All motions or petitions filed by one party under this subsection at one time shall be assessed one fee equal to the highest of the filing fees associated with the motions or petitions involved. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment issued.~~

(5) Prior to the entry of any motion or petition to vacate or modify an order for child support in the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$35.00 in lieu of all other fees not otherwise set forth in this section; ~~however, if~~ if the motion or petition is filed with a stipulation for an order ~~acceptable to the court~~, there shall be no fee except that if the stipulation is not

acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. A motion or petition to enforce an order for child support shall require no fee. All motions or petitions filed by one party at one time shall be assessed one fee; if a simultaneous motion is filed by a party under subdivision (4) of this subsection, the fee under subdivision (4) shall be the only fee assessed. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment has issued.

(6) Prior to the registration in Vermont of a child custody determination issued by a court of another state, there shall be paid to the Clerk of the Court for the benefit of the State a fee of \$75.00 unless the request for registration is filed with a simultaneous motion for enforcement, in which event the fee for registration shall be \$30.00 in addition to the fee for the motion as provided in subdivision (4) of this subsection.

* * *

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the ~~supreme court~~ Supreme Court or the ~~superior court~~ Superior Court, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$100.00 for every appeal, cross-claim, or

third-party claim and a fee of \$75.00 for every counterclaim in the ~~superior court~~ Superior Court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision in the ~~superior court~~ Superior Court shall be \$100.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A § 1205 shall be \$75.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title. This subsection does not apply to filing fees in the Family Division, except with respect to the fee for an appeal of a magistrate's decision.

(e) Prior to the filing of any postjudgment motion in the ~~superior court~~ Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and motions for sealing or expungement in the criminal division pursuant to 13 V.S.A. § 7602, there shall be paid to the ~~clerk of the court~~ Clerk of the Court for the benefit of the ~~state~~ State a fee of \$75.00 except for small claims actions.

* * *

(h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of Appellate Procedure 24(a), part or all of the filing fee may be waived if the ~~court~~ Court finds that the applicant is unable to pay it. The ~~clerk of the court~~ Clerk of the Court or the ~~clerk's~~ Clerk's designee shall establish the in forma pauperis fee in accordance with procedures and guidelines established by administrative order of the ~~supreme court~~ Supreme Court. If, during the

course of the proceeding and prior to a final judgment, the Court determines that the applicant has the ability to pay all or a part of the waived fee, the Court shall require that payment be made prior to issuing a final judgment. If the applicant fails to pay the fee within a reasonable time, the Court may dismiss the proceeding.

Sec. 4. 32 V.S.A. § 1434 is amended to read:

§ 1434. PROBATE CASES

* * *

(b) ~~For economic cause, the probate judge may waive this fee.~~ Pursuant to Rule 3.1 of the Vermont Rules of Civil Procedure, part of the filing fee may be waived if the Court finds the applicant is unable to pay it. The Court shall use procedures established in subsection 1431(h) of this title to determine the fee. No fee shall be charged for necessary documents pertaining to the opening of estates, trusts, and guardianships, including the issuance of two certificates of appointment and respective letters. No fee shall be charged for the issuance of two certified copies of adoption decree and two certified copies of instrument changing name.

* * *

Sec. 5. 4 V.S.A. § 657 is amended to read:

§ 657. TRANSCRIBING DAMAGED RECORDS

When records in the ~~court clerk's office~~ Office of the Superior Court Clerk become faded, defaced, torn, or otherwise injured, so as to endanger the permanent legibility or proper preservation of the same, ~~by an order in writing recorded in the court clerk's office, the court administrator shall~~ the Court Administrator may direct the ~~court clerk~~ Court Clerk to provide suitable books and transcribe such records therein. At the end of a transcript of record so made, the ~~clerk~~ Clerk shall certify under official signature and the seal of the ~~court~~ Court that the same is a true transcript of the original record. Such transcript or a duly certified copy thereof shall be entitled to the same faith and credit and have the same force as the original record. The expense of making such transcript shall be paid by the ~~state~~ State.

Sec. 6. 4 V.S.A. § 659 is amended to read:

§ 659. PRESERVATION OF COURT RECORDS

(a) The ~~supreme court~~ Supreme Court by administrative order may provide for permanent preservation of all court records by any photographic or electronic or comparable process ~~which will provide compact records in reduced size,~~ in accordance with standards ~~established by the secretary of state which~~ that shall be no less protective of the records than the standards established by the state archives and records administration programs that

take into account the quality and security of the records, and ready access to the record of any cause so recorded.

(b) After preservation in accordance with subsection (a) of this section, the ~~supreme court~~ Supreme Court by administrative order may provide for the disposition of original court records by destruction or in cases where the original court record may have historical or intrinsic value by transfer to the archives of the ~~secretary of state, the Vermont historical society, or the University of Vermont~~ Secretary of State.

Sec. 7. 4 V.S.A. § 732 is amended to read:

§ 732. ~~LOST WRIT OR COMPLAINT FILING OF NEW PAPERS~~

DOCUMENT OR RECORD

When ~~the writ or complaint~~ a court document, record, or file in an action pending in court is lost, mislaid, or destroyed, the court, ~~on written motion for that purpose,~~ may order a writ or a complaint for the same cause of action duplicate document, record, or file to be filed under such regulations conditions as the court prescribes, ~~and the same proceedings shall be had thereon as though it were the original writ or complaint.~~ If the plaintiff refuses to file such writ or complaint, the court shall direct a nonsuit in the action, and tax costs for the defendant. A duplicate document or record shall have the same validity and may be used in evidence in the same manner as the original document, record, or file.

Sec. 8. 4 V.S.A. § 740 is amended to read:

§ 740. COURT RECORDS; DOCKETS; CERTIFIED COPIES

The ~~supreme court~~ Supreme Court by administrative order or directive shall provide for the preparation, maintenance, recording, indexing, docketing, preservation, and storage of all court records and the provision, subject to confidentiality requirements of law or court rules, of certified copies of those records to persons requesting them.

Sec. 9. 12 V.S.A. § 5 is amended to read:

§ 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

(a) The court shall not permit public access via the Internet to criminal or family case records. The court may permit criminal justice agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case records for criminal justice purposes, as defined in section 2056a.

(b) This section shall not be construed to prohibit the court from providing electronic access to:

(1) court schedules of the ~~superior court~~ Superior Court, or opinions of the ~~criminal division of the superior court~~ Criminal Division of the Superior Court; ~~or~~

(2) state agencies in accordance with data dissemination contracts entered into under Rule 6 of the Vermont Rules of Electronic Access to Court Records; or

(3) decisions, recordings of oral arguments, briefs, and printed cases of the Supreme Court.

Sec. 10. 4 V.S.A. § 908 is amended to read:

*§ 908. ATTORNEYS' ADMISSION, LICENSING, AND PROFESSIONAL
RESPONSIBILITY SPECIAL FUND*

There is established the attorneys' admission, licensing, and professional responsibility special fund which shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Fees collected for licensing of attorneys, administration of the bar examination, admitting attorneys to practice in Vermont, and administration of mandatory continuing legal education shall be deposited and credited to this fund. This fund shall be available to the ~~judicial branch~~ Judicial Branch to offset the cost of operating the ~~professional responsibility board~~ Professional Responsibility Board, the ~~board of bar examiners~~ Board of Bar Examiners, the ~~judicial conduct board~~ Judicial Conduct Board, the ~~committee on character and fitness~~ Committee on Character and Fitness, the mandatory continuing legal education program for attorneys and, at the discretion of the ~~supreme court~~ Supreme Court, to make grants for access to justice programs or to the Vermont bar foundation ~~Bar Foundation~~ to be used to support legal services for the disadvantaged.

Sec. 11. MEDICATION-ASSISTED TREATMENT FOR INMATES

(a) The Department of Corrections, in collaboration with the Department of Health's Division of Alcohol and Drug Abuse Programs, shall establish a work group for the purpose of examining medication-assisted treatment for inmates, including for persons who were receiving treatment in the community immediately prior to incarceration.

(b) The Work Group shall be composed of the following members:

(1) the Deputy Commissioner of the Department of Health's Division of Alcohol and Drug Abuse Programs or designee, who shall serve as Chair;

(2) the Commissioner of Corrections or designee;

(3) a member appointed by the Defender General's Prisoners' Rights Office;

(4) a member appointed by the Howard Center; and

(5) a physician providing medication-assisted treatment through an opioid treatment program, appointed by the Commissioner of Health.

(c)(1) The first meeting of the Work Group shall be held on or before September 1, 2013.

(2) The Work Group shall receive administrative and staff support from the Department of Corrections and the Department of Health's Division of Alcohol and Drug Abuse Programs.

(d)(1) The Work Group shall examine:

(A) any federal and state legal parameters that apply to medication-assisted treatment for persons who are incarcerated;

(B) existing time limits on medication-assisted treatment for persons who are incarcerated, specifically with regard to health outcomes and recidivism rates;

(C) the effectiveness of directing medication-assisted treatment to persons who are incarcerated by offense category;

(D) the prioritization of medication-assisted treatment by:

(i) providers of the Hub and Spoke Opioid Integrated Treatment Initiative to persons ordered to receive treatment by a drug court; and

(ii) the Department of Corrections to opiate-addicted persons prior to their release from prison; and

(E) any other factors to determine prioritization for medication-assisted treatment.

(2) On or before January 1, 2014, the Work Group shall report its findings and recommendations, including recommendations for legislative action, to the House Committees on Corrections and Institutions, on Human Services, and on Judiciary and the Senate Committees on Health and Welfare and on Judiciary.

Sec. 12. 13 V.S.A. § 353 is amended to read:

§ 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

(a) Penalties.

* * *

(4)(A) Except as provided in subdivision (B) of this subdivision (4), a person found in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be imprisoned not more than one year or fined not more than \$2,000.00, or both. Second and subsequent convictions shall be punishable by a sentence of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

(B) A In lieu of a criminal citation or arrest, a law enforcement officer shall may issue a civil citation to a person who violates subdivision 352(3), (4), or (9) of this title if the person has not been previously adjudicated in violation of this chapter. A person adjudicated in violation of subdivision 352(3), (4), or (9) of this title pursuant to this subdivision shall be assessed a civil penalty of not more than \$500.00. At any time prior to the person admitting the violation and paying the assessed penalty, the state's attorney may withdraw the complaint filed with the ~~judicial bureau~~ Judicial Bureau and file an information charging a violation of subdivision 352(3), (4), or (9) of this title in the ~~criminal division of the superior court~~ Criminal Division of the Superior Court.

(C) Nothing in this subdivision shall be construed to require that a civil citation be issued prior to a criminal charge of violating subdivision 352(3), (4), or (9) of this title.

* * *

Sec. 13. INCIDENT REPORTS OF ANIMAL CRUELTY

(a) The Commissioner of Public Safety, in consultation with the Vermont Center for Justice Research, shall collect data on:

(1) the number and nature of complaints or incident reports to law enforcement based on a suspected violation of 13 V.S.A. chapter 8 (humane and proper treatment of animals); and

(2) how such complaints or incidents are generally addressed, such as referral to others, investigation, civil penalties, or criminal charges.

(b) Based upon examination of the data requested in subsection (a) of this section, the Commissioner shall make recommendations to the Senate and House Committees on Judiciary on or before November 15, 2013 for improving the statewide response to complaints of animal cruelty.

(c) The Commissioner of Public Safety shall report recommendations to the Senate and House Committees on Judiciary on or before November 15, 2013 for improving the animal cruelty forfeiture proceedings held pursuant to 13 V.S.A. chapter 8.

Sec. 14. 23 V.S.A. § 800 is amended to read:

§ 800. MAINTENANCE OF FINANCIAL RESPONSIBILITY

(a) No owner of a motor vehicle required to be registered, or operator required to be licensed or issued a learner's permit, shall operate or permit the operation of the vehicle upon the highways of the ~~state~~ State without having in effect an automobile liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one accident. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles, and shall be maintained and evidenced in a form prescribed by the ~~commissioner~~ Commissioner. The ~~commissioner~~ Commissioner may require that evidence of financial responsibility be produced before motor vehicle inspections are performed pursuant to the requirements of section 1222 of this title.

(b) A person who violates this section shall be assessed a civil penalty of ~~not less than \$250.00 and~~ not more than \$500.00, and such violation shall be a traffic violation within the meaning of chapter 24 of this title.

Sec. 15. REPEAL

4 V.S.A. §§ 652 (records of judgments and other proceedings; dockets; certified copies), 655 (court accounts), 656 (index of records), 658 (Supreme Court records), 695 (accounts of court officer and reporter), 734 (copy of lost petition), 735 (record of proceedings), 736 (lost records or judgment files;

recording of copy), 737 (appeal or exception), and 738 (costs for recording); 2009 Acts and Resolves No. 4, Sec. 121 (transitional provisions for merger of Bennington and Manchester probate courts); and 2009 Acts and Resolves No. 4, Sec. 125 (transitional provisions of the consolidated probate court system) are repealed.

Sec. 16. EFFECTIVE DATES

(a) This section and Sec. 2 (registration of child custody determination) of this act shall take effect on passage.

(b) All remaining sections of this act shall take effect on July 1, 2013.