

House Judiciary
February 5, 2014
H.413 (Uniform Collateral Consequence of Conviction Act)

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I. Statutory functions of Legislative Council

2 V.S.A. § 404. Functions

(a) The legislative council shall direct, supervise and coordinate the work of its staff and secretaries.

(b) The legislative council shall:

(1) Furnish research services in relation to legislative problems;

(2) Furnish drafting services for bills, resolutions and amendments;

(3) Establish and maintain a reference library;

(4) Furnish such other information and legal assistance respecting legislative matters as may be required by a committee of either house, a joint committee of the general assembly, or a member-elect of the general assembly;

(5) Appoint one or more persons to serve as staff for a standing committee of either house or any group of standing committees of the house and senate;

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2 V.S.A. § 421. Legislative council; statutory publication and revision duties

(a) The legislative council shall continuously maintain and update a formal topical revision of existing permanent statutory law to be known as the Vermont Statutes Annotated. The topical revision shall be arranged in a systematic and annotated form that is consolidated into the smallest practical number of volumes and indexes.

(b) The legislative council, on behalf of the state of Vermont, shall hold the copyright to the Vermont Statutes Annotated.

II. Plea colloquies under existing law

18 V.S.A. § 4230. Marijuana

(a) Possession and cultivation.

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(5) Prior to accepting a plea of guilty or a plea of nolo contendere from a defendant charged with a violation of this subsection, the court shall address the defendant personally in open court, informing the defendant and determining that the defendant understands that admitting to facts sufficient to warrant a finding of guilt or pleading guilty or nolo contendere to the charge may have collateral consequences such as loss of education financial aid, suspension or revocation of professional licenses, and restricted access to public benefits such as housing. If the court fails to provide the defendant with notice of collateral consequences in accordance with this subdivision and the defendant later at any time shows that the plea and conviction may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.