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S.264

Representative Lippert of Hinesburg moves that the House propose to the Senate that the bill be amended as follows:

First: By striking Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 4 V.S.A. § 601 is amended to read:

§ 601. JUDICIAL NOMINATING BOARD CREATED; COMPOSITION

* * *

(d) The Judicial Nominating Board shall adopt rules under 3 V.S.A. chapter 25 which shall establish criteria and standards for the nomination of ~~qualified~~ candidates for ~~justices~~ Justices of the Supreme ~~court~~, ~~superior~~ Court, Superior judges, magistrates, the Chair of the Public Service Board, and members of the Public Service Board. The criteria and standards shall include such factors as integrity, legal knowledge and ability, judicial temperament, impartiality, health, experience, diligence, administrative and communicative skills, social consciousness, and public service. The application form shall not be included in the rules and may be developed and periodically revised at the discretion of the Board.

(e) A quorum of the Board shall consist of eight members.

(f) The ~~board~~ Board is authorized to use the staff and services of appropriate ~~state~~ State agencies and departments as necessary to conduct

1 investigations of applicants. The Office of Legislative Council shall assist the
2 Board for the purpose of rulemaking.

3 Second: By adding new Secs. 12, 13, 14, and 15 to read as follows:

4 Sec. 12. 4 V.S.A. § 1111 is added to read:

5 § 1111. CIVIL VIOLATION; FAILURE TO PRODUCE IDENTIFICATION

6 (a) A law enforcement officer is authorized to detain a person if:

7 (1) the officer has reasonable grounds to believe the person has
8 committed a civil violation of Title 7, 13, 18, or 23; and

9 (2) the person refuses to identify himself or herself satisfactorily to the
10 officer when requested by the officer.

11 (b) The person may be detained under this section only until the person
12 identifies himself or herself satisfactorily to the officer or is properly
13 identified. If the officer is unable to obtain the identification information, the
14 person shall forthwith be brought before a judge in the Criminal Division of
15 the Superior Court for that purpose. A person who refuses to identify himself
16 or herself to the Court on request shall immediately and without service of an
17 order on the person be subject to civil contempt proceedings pursuant to
18 12 V.S.A. § 122.

19 Sec. 13. 18 V.S.A. § 4230a(e) is amended to read:

20 ~~(e)(1) Upon request by a law enforcement officer who reasonably suspects~~
21 ~~that a person has committed or is committing a violation of this section, the~~

1 ~~person shall give his or her name and address to the law enforcement officer~~
2 ~~and shall produce a motor vehicle operator's license, an identification card, a~~
3 ~~passport, or another suitable form of identification.~~

4 (2) A law enforcement officer is authorized to detain a person if:

5 (A) the officer has reasonable grounds to believe the person has
6 violated this section; and

7 (B) the person refuses to identify himself or herself satisfactorily to
8 the officer when requested by the officer.

9 (3)(2) The person may be detained only until the person identifies
10 himself or herself satisfactorily to the officer or is properly identified. If the
11 officer is unable to obtain the identification information, the person shall
12 forthwith be brought before a judge in the Criminal Division of the Superior
13 Court for that purpose. A person who refuses to identify himself or herself to
14 the Court on request shall immediately and without service of an order on the
15 person be subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.
16 Sec. 14. 24 V.S.A. § 1983(b) is amended to read as follows:

17 (b) The person may be detained only until the person identifies himself or
18 herself satisfactorily to the officer or is properly identified. If the officer is
19 unable to obtain the identification information, the person shall forthwith be
20 brought before a Criminal Division of the Superior Court judge for that
21 purpose. A person who refuses to identify himself or herself to the Court on

1 request shall immediately and without service of an order on the person be
2 subject to civil contempt proceedings pursuant to 12 V.S.A. § 122.
3 Sec. 15. 2008 Acts and Resolves No. 179, Sec. 22(a), as amended by 2010
4 Acts and Resolves No. 157, Sec. 14, by 2012 Acts and Resolves No. 104, Sec.
5 38, and by 2013 Acts and Resolves No. 41, Sec. 1a, is further amended to read:
6 (a) Secs. 11 and 12 ~~of this act~~ shall take effect on July 1, ~~2014~~ 2017.
7
8 and by renumbering the remaining section to be numerically correct.