

House Calendar

Friday, February 20, 2015

45th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 62

An act relating to prohibiting a sentence of life without parole for a person who was under 18 years of age at the time of the commission of the offense

Committee Bill for Second Reading

H. 240

An act relating to miscellaneous technical corrections to laws governing motor vehicles, motorboats, and other vehicles.

(Rep. Murphy of Fairfax will speak for the Committee on **Transportation.**)

NOTICE CALENDAR

Committee Bill for Second Reading

H. 256

An act relating to disposal of property following an eviction, and fair housing and public accommodations.

(Rep. Stevens of Waterbury will speak for the Committee on **General, Housing & Military Affairs.**)

Favorable with Amendment

S. 6

An act relating to technical corrections to civil and criminal procedure statutes

Rep. Viens of Newport City, for the Committee on **Judiciary**, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 1501 is amended to read:

§ 1501. ESCAPE AND ATTEMPTS TO ESCAPE

* * *

(b)(1) A person ~~who~~ shall not, while in lawful custody:

~~(1) fails (A) fail~~ to return from work release to the correctional facility at the specified time, or visits other than the specified place, as required by the order issued in accordance with 28 V.S.A. § 753;

~~(2) fails (B) fail~~ to return from furlough to the correctional facility at the specified time, or visits other than the specified place, as required by the order issued in accordance with 28 V.S.A. § 808, 808a, 808b, or 808c;

~~(3) escapes or attempts (C) escape or attempt~~ to escape while on release from a correctional facility to do work in the service of such facility or of the Department of Corrections in accordance with 28 V.S.A. § 758; or

~~(4) escapes or attempts (D) escape elope or attempt to escape elope~~ from the Vermont ~~State Hospital, or its successor in interest~~ Psychiatric Care Hospital or a participating hospital, when confined by court order pursuant to chapter 157 of this title, or when transferred there pursuant to 28 V.S.A. § 703 and while still serving a sentence, ~~shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.~~

(2) A person who violates this subsection shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.

* * *

(d) As used in this section:

* * *

(3) ~~“Successor in interest” shall mean the mental health hospital owned and operated by the State that provides acute inpatient care and replaces the Vermont State Hospital. [Repealed.]~~

Sec. 2. 13 V.S.A. § 5321 is amended to read:

§ 5321. APPEARANCE BY VICTIM

* * *

(c) In accordance with ~~court~~ Court rules, at the sentencing hearing, the ~~court~~ Court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding sentencing. ~~in~~ In imposing sentence, the ~~court~~ Court shall consider any views offered at the hearing by the victim. ~~if~~ If the victim is not present, the ~~court~~ Court shall ask whether the victim has expressed, either orally or in writing, views regarding sentencing and shall take those views into consideration in imposing sentence.

(d) At or before the sentencing hearing, the prosecutor's office shall instruct the victim of a listed crime, in all cases where the ~~court~~ Court imposes

a sentence which includes a period of incarceration, that a sentence of incarceration is to the custody of the ~~commissioner of corrections~~ Commissioner of Corrections and that the ~~commissioner of corrections~~ Commissioner of Corrections has the authority to affect the actual time the defendant shall serve in incarceration through good time credit, furlough, work-release, and other early release programs. ~~in~~ In addition, the prosecutor's office shall explain the significance of a minimum and maximum sentence to the victim and shall also explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated.

* * *

Sec. 3. 13 V.S.A. § 5574 is amended to read:

§ 5574. BURDEN OF PROOF; JUDGMENT; DAMAGES

(a) A claimant shall be entitled to judgment in an action under this subchapter if the claimant establishes each of the following by clear and convincing evidence:

* * *

(2)(A) ~~The~~ the complainant's conviction was reversed or vacated, the complainant's information or indictment was dismissed, or the complainant was acquitted after a second or subsequent trial; ~~or~~

(B) ~~The~~ the complainant was pardoned for the crime for which he or she was sentenced.

* * *

Sec. 4. 33 V.S.A. § 5308(a)(4) is amended to read:

(4) The custodial parent, guardian, or ~~guardian~~ custodian has abandoned the child.

Sec. 5. 2014 Acts and Resolves No. 126, Sec. 7 is amended to read:

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2014, and shall apply to restitution orders issued after that date; provided, however, that notwithstanding 1 V.S.A. § 214, Secs. 1, 3, 4, 5, and 6 shall also apply retroactively to restitution orders issued on or before July 1, 2014.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 11-0-0)

(For text see Senate Journal January 30, 2015)

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of 2/19/2015.

H.C.R. 37

House concurrent resolution congratulating the 2014 class of Green Mountain Council Eagle Boy Scouts

H.C.R. 38

House concurrent resolution congratulating former Berlin Assistant Town Clerk and Assistant Town Treasurer Grace Rose on her 90th birthday

H.C.R. 39

House concurrent resolution recognizing the lifesaving work of the Vermont Suicide Prevention Center and the Vermont Suicide Prevention Coalition

H.C.R. 40

House concurrent resolution congratulating the Star Barber Shop of Rutland on its 80th anniversary

H.C.R. 41

House concurrent resolution honoring Vermont State Employees for their exemplary public service

H.C.R. 42

House concurrent resolution honoring Kenneth Alexander for his exemplary public service as Hyde Park Road Commissioner

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House concurrent resolution honoring Milton town clerk and treasurer John Cushing on 46 years of exemplary public service and as an advocate for effective municipal governance

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House concurrent resolution congratulating the National Railway Historical Society on its 80th anniversary and welcoming its 2015 convention to Rutland

H.C.R. 46

House concurrent resolution congratulating John C. Stewart & Son, Inc.'s Ford dealership on its 100th anniversary

S.C.R. 3

Senate concurrent resolution congratulating Allen Adler on his 100th birthday

Public Hearings

Tuesday, February 24, 2015 - 2:30 p.m.-3:30 p.m. and Wednesday, February 25, 2015 -9:30 a.m. - 10:30 a.m. - Room 11 - House committee on Appropriations - Public hearings for the Governor's proposed FY 2016 budget. Sign up with Theresa Utton-Jerman at (802)828-5767 or tutton@leg.state.vt.us or in Room 40

Governor's Proposed Budget: http://finance.vermont.gov/state_budget/rec

Individual department proposed budgets:
http://www.leg.state.vt.us/jfo/dept_budgets_fy_2016.aspx

Information Notice

HOUSE BILL INTRODUCTION DEADLINES

To All House Members:

Request Deadline - All requests for introduction of bills drafted in standard form must be submitted to the Legislative Council by Friday, January 30, 2015.

During the first year of the biennium, a member may request introduction of a bill drafted in short form and submitted to the Legislative Council anytime during the session.

Introduction Deadline - Except with prior consent of the Committee on Rules, all bills drafted in standard form, shall be introduced by February 27, 2015.

During the first year of the biennium Committee bills may be introduced at anytime.