

Section 1

Introduction: To assist in the development of DUI and other Drug Treatment Courts, 4 VSA Section 23 is amended to allow for the assignment of judicial officers to preside over a treatment court or other special docket without necessitating additional compensation for that judicial officer.

4 VSA Section 23 is amended to read:

§ 23. Compensation.

In the performance of judicial duties, the specially assigned judicial officer shall be entitled to a per diem equal to the daily compensation authorized for the judicial position to which he or she is assigned and necessary expenses, unless otherwise limited by the special assignment.

Section 2

Introduction: To provide additional procedural protection in the civil license suspension process, 23 VSA Section 1205(g) is amended to read:

1205(g) Preliminary Hearing.

The preliminary hearing shall be held within 21 days of the alleged offense. Unless impracticable or continued for good cause shown, the date of the preliminary hearing shall be the same as the date of the first appearance in any criminal case resulting from the same incident for which the person received a citation to appear in court. The preliminary hearing shall be held in accordance with procedures prescribed by the Supreme Court. At or before the preliminary hearing the judicial officer shall determine whether there is a sufficient factual and legal basis for the civil suspension matter to proceed and the parties shall be advised of this determination.

(Comment: The Advisory Committee on Civil Rules will likely amend V.R.C.P 80.5(e) to develop procedures for accommodating this change in the law)