

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 858
3 entitled “An act relating to miscellaneous criminal procedure amendments”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 2651(6)(B) is amended to read;

8 (6) "Human trafficking" means:

9 * * *

10 (B) "severe form of trafficking" as defined by ~~21 U.S.C. § 7105~~
11 22 U.S.C. § 7105.

12 Sec. 2. 13 V.S.A. § 5238 is amended to read:

13 § 5238. CO-PAYMENT AND REIMBURSEMENT ORDERS

14 * * *

15 (d) To the extent that the Court finds that the eligible person has income or
16 assets available to enable payment of an immediate co-payment, it shall order
17 such a co-payment to cover in whole or in part the amount of the costs of
18 representation to be borne by the eligible person. ~~When a co-payment is~~
19 ~~ordered, the assignment of counsel shall be contingent on prior payment of the~~
20 ~~co-payment.~~ The co-payment shall be paid to the clerk of the Court. Any

1 portion of the co-payment not paid to the clerk may be included in a
2 reimbursement order.

3 * * *

4 Sec. 3. 13 V.S.A. § 5301 is amended to read:

5 § 5301. DEFINITIONS

6 * * *

7 (7) “Listed crime” means any of the following offenses:

8 * * *

9 (W) operating vehicle under the influence of intoxicating liquor or
10 other substance with either death or serious bodily injury resulting as defined
11 in 23 V.S.A. § 1210~~(e)~~(f) and ~~(f)~~(g);

12 * * *

13 Sec. 4. 13 V.S.A. § 5411a is amended to read:

14 § 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

15 (a) Notwithstanding 20 V.S.A. §§ 2056a-2056e, the Department shall
16 electronically post information on the Internet in accordance with subsection
17 (b) of this section regarding the following sex offenders, upon ~~their~~ the
18 offender’s release from confinement or, if the offender was not subject to
19 confinement, upon the offender’s conviction:

20 * * *

21 Sec. 5. 13 V.S.A. § 5572(a) is amended to read:

1 (a) A person convicted and imprisoned for a crime of which the person was
2 exonerated pursuant to ~~subchapter 1 of~~ this chapter shall have a cause of action
3 for damages against the state.

4 Sec. 6. 13 V.S.A. § 5578 is added to read:

5 § 5578. APPLICABILITY; RETROACTIVITY

6 Notwithstanding 1 V.S.A. § 214(b), this subchapter and any amendments
7 thereto shall apply to any exoneration that occurs on or after July 1, 2007.

8 Sec.7. 18 V.S.A. § 4230 is amended to read:

9 § 4230. MARIJUANA

10 (a) Possession and cultivation.

11 * * *

12 ~~(5) Prior to accepting a plea of guilty or a plea of nolo contendere from a~~
13 ~~defendant charged with a violation of this subsection, the court shall address~~
14 ~~the defendant personally in open court, informing the defendant and~~
15 ~~determining that the defendant understands that admitting to facts sufficient to~~
16 ~~warrant a finding of guilt or pleading guilty or nolo contendere to the charge~~
17 ~~may have collateral consequences such as loss of education financial aid,~~
18 ~~suspension or revocation of professional licenses, and restricted access to~~
19 ~~public benefits such as housing. If the a court fails to provide the defendant~~
20 ~~with notice of collateral consequences in accordance with this subdivision 13~~
21 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and

1 conviction for a violation of this subsection may have or has had a negative
2 consequence, the court, upon the defendant's motion, shall vacate the judgment
3 and permit the defendant to withdraw the plea or admission and enter a plea of
4 not guilty. Failure of the court to advise the defendant of a particular collateral
5 consequence shall not support a motion to vacate.

6 * * *

7 Sec. 8. EFFECTIVE DATE

8 This act shall take effect on passage.

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16 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE