

Rebecca Buck

From: Rebecca Buck
Sent: Friday, April 10, 2015 10:05 AM
To: Stephanie Barrett
Subject: RE: H.490, Sec. E204, amendment request by Sen. Sears

Stephanie. I've corrected David's draft language to be technically correct with strike-thru of current and underling of new. Below are the sections as they should read in H.490. --Becky

From: Stephanie Barrett
Sent: Wednesday, April 08, 2015 1:22 PM
To: Rebecca Buck
Subject: FW: H.490, Sec. E204, amendment request by Sen. Sears

From: Cahill, David [<mailto:David.Cahill@state.vt.us>]
Sent: Wednesday, April 08, 2015 1:21 PM
To: Stephanie Barrett
Cc: Richard Sears; Gabel, Patricia
Subject: H.490, Sec. E204, amendment request by Sen. Sears

Hi Stephanie,

Senator Sears asked that I email you requesting that an amendment to H.490, Sec. E204 be drafted using the language that is included in this email – below my signature block. Please let me know if you have any questions.

Thank you,
Dave

David J. Cahill
Executive Director
Department of State's Attorneys & Sheriffs
12 Baldwin Street
Montpelier, VT 05633
(802)-828-2888

H.490
Sec. E.204.2 – PROPOSED AMENDMENT BY STATE'S ATTORNEYS WITH CONSENT OF THE JUDICIARY

33 V.S.A. § 5223 is amended to read:

§ 5223. FILING OF PETITION

(a) When notice to the child is provided by citation, the State's Attorney shall file the petition and supporting affidavit at least 10 days prior to the date for the preliminary hearing specified in the citation.

(b) ~~The Court shall send or deliver a~~ A copy of the petition and affidavit shall be made available at the State's Attorney's Office to all persons required to receive notice, including the noncustodial parent, as soon as possible after the petition is filed and at least five days prior to the date set for the preliminary hearing.

H.490

Sec. E.204.3 -- **PROPOSED AMENDMENT BY STATE'S ATTORNEYS WITH CONSENT OF THE JUDICIARY**

33 V.S.A. § 5224 is amended to read:

§ 5224. FAILURE TO APPEAR AT PRELIMINARY HEARING

If a child or custodial parent, guardian, or custodian fails to appear at the preliminary hearing as directed by a citation, the Court may issue a summons to appear, an order to have the child brought to Court, or a warrant as provided in section 5108 of this title. The summons, order, or warrant shall be served by the law enforcement agency that cited or took into custody the child alleged to have committed the delinquent act, or another law enforcement agency acting on its behalf.

(Rationale: State's Attorneys don't "serve" anything. We don't have cruisers, handcuffs, uniforms, etc.)