

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 571

3 entitled "An act relating to driver's license suspensions, driving with a

4 suspended license, and DUI penalties” respectfully reports that it has

5 considered the same and recommends that the Senate propose to the House that

the bill be amended by striking out all after the enacting clause and inserting in

7 lieu thereof the following:

8 * * * Pre-July 1, 1990 Criminal Traffic Offenses * * *

9 Sec. 1. TERMINATION OF SUSPENSIONS ARISING FROM PRE-JULY 1,

1990 CRIMINAL TRAFFIC OFFENSES

11 (a) Background.

(1) Prior to July 1, 1990, traffic offenses that are handled as civil traffic

violations under current Vermont law were charged as criminal offenses.

(2) A defendant's failure to appear on such charges resulted in

suspension of the defendant's privilege to operate a motor vehicle in Vermont.

(3) As of February 2016, approximately 26,260 defendants who failed to

appear in connection with pre-July 1, 1990 criminal traffic charges have

pending suspensions as a result of their failure to appear. None of these

19 charges relate to conduct that is criminal under current Vermont law.

1 (4) Many of the criminal complaints in these matters are fire- and
2 water-damaged. In many of these cases, the facts underlying the complaints no
3 longer can be proved.

4 (5) On February 22, 2016, the Office of the Attorney General mailed to
5 all Criminal Divisions of the Superior Court and to the Judicial Bureau notices
6 of dismissal of these pre-July 1, 1990 charges.

7 (b) Termination of suspensions.

8 (1) Notwithstanding 23 V.S.A. § 675 (fee prior to termination of
9 suspension), as soon as possible after this act takes effect, the Commissioner of
10 Motor Vehicles shall, without requiring an application or payment of a fee,
11 terminate pending suspensions of a person's license or privilege to operate a
12 motor vehicle that resulted from the person's failure to appear prior to July 1,
13 1990 on a criminal traffic offense charged by the State for conduct that is a
14 civil traffic violation under current Vermont law.

15 (2) This subsection shall not affect pending suspensions of a person's
16 license or privilege to operate other than those specifically described in
17 subdivision (1) of this subsection.

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* * * Statewide Driver Restoration Program * * *

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Sec. 2. STATEWIDE DRIVER RESTORATION PROGRAM

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(a) Program established; one-time event.

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(1) The Judicial Bureau and the Department of Motor Vehicles shall

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carry out a Statewide Driver Restoration Program (Program) from

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September 1, 2016 through November 30, 2016 (the “Program time period”).

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A person shall not be eligible for reduction of a traffic violation judgment

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under subsection (b) of this section unless the State’s Attorney of the county in

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which the person resides has approved the participation of the county in the

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Program. It is the intent of the General Assembly that the Program shall be a

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one-time statewide event.

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(2) As used in this section, “suspension” means a suspension of a

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person’s license or privilege to operate a motor vehicle in Vermont imposed by

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the Commissioner of Motor Vehicles.

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(b) Traffic violation judgments entered before July 1, 2010; exception.

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(1) During the Program time period, a person who has not paid in full

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the amount due on a traffic violation judgment entered prior to July 1, 2010

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may apply to the Judicial Bureau for a reduction in the amount due on a form

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approved by the Court Administrator. Judgments for traffic violations that

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involve violation of a law specifically governing the operation of commercial

1 motor vehicles shall not be eligible for reduction under the Program. The
2 Program shall not apply to pre-July 1, 1990 criminal traffic offenses.

3 (2) A person shall be permitted to apply in person or through the mail.
4 The Judicial Bureau may accept applications electronically or by other means.
5 (3) If a person submits a complete application during the Program time
6 period and the judgment is eligible for reduction under subdivision (1) of this
7 subsection, the Clerk of the Judicial Bureau or designee shall reduce the
8 amount due on the judgment to \$30.00. Amounts paid toward a traffic
9 violation judgment prior to the Judicial Bureau's granting an application under
10 this subsection shall not be refunded or credited toward the amount due under
11 the amended judgment.

12 (c) Traffic violation judgments entered on or after January 1, 2015.

13 (1) Notwithstanding the usual time periods for filing postjudgment
14 motions to amend and the standards for granting such motions, a person who
15 has not paid the full amount due on a traffic violation judgment entered on or
16 after January 1, 2015 and before July 1, 2016 may file a motion with the
17 Judicial Bureau pursuant to Rules 60 and 80.6 of the Vermont Rules of Civil
18 Procedure seeking an individualized determination of his or her ability to pay
19 the amount due on the judgment. In deciding the motion, the Judicial Bureau
20 hearing officer shall consider the person's ability to pay the amount due and

1 may reduce the amount due and waive any reinstatement or suspension
2 termination fee in his or her discretion.

3 (2) Consistent with Sec. 4 of this act, amending 4 V.S.A. § 1109 to
4 direct the Judicial Bureau to provide a more flexible payment plan option, a
5 person who has an amount due on a traffic violation judgment shall not be
6 required to pay more than \$100.00 per month in order to be current on all of
7 his or her traffic violation judgments, regardless of the dates when the
8 judgments were entered. This subsection shall not be limited by the Program
9 time period.

10 (d) Restoration of driving privileges.

11 (1) If a person has paid all traffic violation judgments reduced under
12 subsection (b) of this section, and is under a payment plan for any other
13 outstanding traffic violation judgments, the Judicial Bureau shall notify the
14 Department of Motor Vehicles that the person is in compliance with his or her
15 obligations.

16 (2) Notwithstanding 23 V.S.A. § 675 (fee prior to termination of
17 suspension), the Commissioner of Motor Vehicles shall:

18 (A) upon receipt of the notice of compliance from the Judicial
19 Bureau and without requiring an application or payment of a reinstatement fee,
20 terminate suspensions arising from nonpayment of a traffic violation judgment
21 of a person described in subdivision (1) of this subsection (d);

1 (B) during the Program time period and without requiring an
2 application or payment of a reinstatement fee, terminate suspensions arising
3 from nonpayment of a traffic violation judgment of a person who has paid all
4 outstanding traffic violation judgments in full or is in compliance with a
5 Judicial Bureau payment plan prior to December 1, 2016.

6 (3) If a person described in subdivision (1) or (2)(B) of this subsection
7 fails to make a payment under a payment plan, the Judicial Bureau shall notify
8 the Department of Motor Vehicles if required under 4 V.S.A. § 1109, as
9 amended by Sec. 4 of this act.

10 (4) This subsection shall not affect pending suspensions other than as
11 specifically described in this subsection.

12 (e) Public awareness campaign. Prior to the start of the Program, the
13 Agency of Transportation shall commence a campaign to raise public
14 awareness of the Program, and shall conduct the campaign until the end of the
15 Program. The Judicial Bureau, the Department of Motor Vehicles, and the
16 Agency of Transportation shall prominently advertise the Program on their
17 websites until the Program ends.

18 (f) Allocation of amounts collected. Amounts collected on traffic violation
19 judgments reduced under subsection (b) or subdivision (c)(1) of this section
20 shall be allocated in accordance with the Process Review approved by the

1 Court Administrator's Office entitled "Revenue Distributions - Civil
2 Violations" and dated November 3, 2015.

3 (g) Collection and reporting of statistics. On or before January 15, 2017:

4 (1) The Court Administrator shall report to the House and Senate
5 Committees on Judiciary and on Transportation:

6 (A) the number of traffic violation judgments reduced to \$30.00
7 under subsection (b) of this section, the total number of the judgments paid,
8 and the total amount collected in connection with payment of the judgments;

9 (B) the number of postjudgment motions filed under subdivision
10 (c)(1) of this section and in connection with such motions:

11 (i) the number of hearings held;
12 (ii) the number of judgments reduced pursuant to such hearings,
13 the total number of the reduced judgments paid, and the total amount collected
14 in connection with payment of the reduced judgments; and
15 (iii) the number of hearings scheduled but not yet held;

16 (C) the number of persons eligible for a reduced judgment under
17 subsection (b) of this section who did not apply for a reduced judgment.

18 (2) The Commissioner of Motor Vehicles shall report to the House and
19 Senate Committees on Judiciary and on Transportation:

1 (A) the number of suspensions terminated, as well as the number of
2 unique persons whose suspensions were terminated, under subdivision (d)(2)
3 of this section; and

4 (B) the number of persons whose license or privilege to operate was
5 fully reinstated as a result of the termination of suspensions under subdivision
6 (d)(2) of this section.

7 * * * Termination of Suspensions Repealed in Act * * *

8 Sec. 2a. TERMINATION OF SUSPENSIONS REPEALED IN ACT

9 Notwithstanding 23 V.S.A. § 675 (fee prior to termination of suspension),
10 as soon as possible after this act takes effect the Commissioner of Motor
11 Vehicles shall, without requiring an application or payment of a fee, terminate
12 Pending suspensions of a person's license or privilege to operate a motor
13 vehicle and refusals of a person's license or privilege to operate that were
14 imposed pursuant to the following provisions:

- 15 (1) 7 V.S.A. § 656(g) (underage alcohol violation; failure to pay civil
16 penalty);
- 17 (2) 7 V.S.A. § 1005 (underage tobacco violation);
- 18 (3) 13 V.S.A. § 1753 (false public alarm; students and minors);
- 19 (4) 18 V.S.A. § 4230b(g) (underage marijuana violation; failure to pay
20 civil penalty); and

1 (5) 32 V.S.A. § 8909 (driver's license suspensions for nonpayment of
2 purchase and use tax).

3 * * * Amendment or Repeal of License Suspension and Registration Refusal

4 Provisions and Underage Alcohol and Marijuana Crimes * * *

5 Sec. 3. REPEALS

6 23 V.S.A. §§ 305a (registration not renewed following nonpayment of
7 traffic violation judgment) and 2307 (remedies for failure to pay traffic
8 violations) are repealed.

9 Sec. 4. 4 V.S.A. § 1109 is amended to read:

10 § 1109. REMEDIES FOR FAILURE TO PAY; CONTEMPT

11 (a) Definitions. As used in this section:

12 (1) “Amount due” means all financial assessments contained in a
13 Judicial Bureau judgment, including penalties, fines, surcharges, court costs,
14 and any other assessment authorized by law.

15 (2) “Designated collection agency” means a collection agency
16 designated by the Court Administrator.

17 (3) [Repealed.]

18 (b) Late fees; suspensions for nonpayment of certain traffic violation
19 judgments.

20 (1) A Judicial Bureau judgment shall provide notice that a \$30.00 fee
21 shall be assessed for failure to pay within 30 days. If the defendant fails to pay

1 the amount due within 30 days, the fee shall be added to the judgment amount
2 and deposited in the Court Technology Special Fund established pursuant to
3 section 27 of this title.

4 (2)(A) In the case of a judgment on a traffic violation for which the
5 imposition of points against the person's driving record is authorized by law,
6 In the case of a traffic violation judgment, the judgment shall contain a notice
7 that failure to pay or otherwise satisfy the amount due within 30 days of the
8 notice will result in suspension of the person's operator's license or privilege
9 to operate, and that payment plan options are available. If the defendant fails
10 to pay the amount due within 30 days of the notice, or by a later date as
11 determined by a Judicial Bureau clerk or hearing officer, and the case is not
12 pending on appeal, the Judicial Bureau shall provide electronic notice thereof
13 to the Commissioner of Motor Vehicles. After 20 days from the date of
14 receiving the electronic notice, the Commissioner shall suspend the person's
15 operator's license or privilege to operate for a period of 30 days or until the
16 amount due is satisfied, whichever is earlier.

17 (B) At minimum, the Judicial Bureau shall offer a payment plan
18 option that allows a person to avoid a suspension of his or her license or
19 privilege to operate by paying no more than \$30.00 per traffic violation
20 judgment per month, and not to exceed \$100.00 per month if the person has
21 four or more outstanding judgments.

1 (c)(1) Civil contempt proceedings. If an amount due remains unpaid for
2 75 days after the Judicial Bureau provides the defendant with a notice of
3 judgment, the Judicial Bureau may initiate civil contempt proceedings pursuant
4 to this subsection.

5 ~~(1)~~(2) Notice of hearing. The Judicial Bureau shall provide notice by
6 first class mail sent to the defendant's last known address that a contempt
7 hearing will be held pursuant to this subsection, and that failure to appear at the
8 contempt hearing may result in the sanctions listed in subdivision ~~(2)~~(3) of this
9 subsection.

10 ~~(2)~~(3) Failure to appear. If the defendant fails to appear at the contempt
11 hearing, the hearing officer may direct the clerk of the Judicial Bureau to do
12 one or more of the following:

13 (A) ~~Cause cause~~ the matter to be reported to one or more designated
14 collection agencies; or

15 (B) ~~Refer refer~~ the matter to the Criminal Division of the Superior
16 Court for contempt proceedings.

17 (C) ~~Provide electronic notice thereof to the Commissioner of Motor
18 Vehicles who shall suspend the person's operator's license or privilege to
19 operate. However, the person shall become eligible for reinstatement if the
20 amount due is paid or otherwise satisfied.~~ [Repealed.]

1 (3)(4)(A) Hearing. The hearing shall be conducted in a summary
2 manner. The hearing officer shall examine the defendant and any other
3 witnesses and may require the defendant to produce documents relevant to the
4 defendant's ability to pay the amount due. The State or municipality shall not
5 be a party except with the permission of the hearing officer. The defendant
6 may be represented by counsel at the defendant's own expense.

7 (B) Traffic violations; reduction of amount due. When the judgment
8 is based upon a traffic violation, the hearing officer may reduce the amount
9 due on the basis of the defendant's driving history, ability to pay, or service to
10 the community; the collateral consequences of the violation; or the interests of
11 justice. The hearing officer's decision on a motion to reduce the amount due
12 shall not be subject to review or appeal except in the case of a violation of
13 rights guaranteed under the Vermont or U.S. Constitution.

14 (4)(5) Contempt.

15 (A) The hearing officer may conclude that the defendant is in
16 contempt if the hearing officer states in written findings a factual basis for
17 concluding that:

18 (i) the defendant knew or reasonably should have known that he or
19 she owed an amount due on a Judicial Bureau judgment;
20 (ii) the defendant had the ability to pay all or any portion of the
21 amount due; and

5 (i) Set a date by which the defendant shall pay the amount due.

(ii) Assess an additional penalty not to exceed ten percent of the

7 amount due.

8 (iii) Order that the Commissioner of Motor Vehicles suspend the

9 person's operator's license or privilege to operate. However, the person shall

10 become eligible for reinstatement if the amount due is paid or otherwise

11 ~~satisfied.~~ [Repealed.]

21 (d) Collections.

1 (1) If an amount due remains unpaid after the issuance of a notice of
2 judgment, the Court Administrator may authorize the clerk of the Judicial
3 Bureau to refer the matter to a designated collection agency.

7 (e) For purposes of civil contempt proceedings, venue shall be statewide.

8 No entry or motion fee shall be charged to a defendant who applies for a
9 reduced judgment under subdivision (c)(4)(B) of this section.

16 Sec. 5. 7 V.S.A. § 656 is amended to read:

17 § 656. PERSON UNDER 21 YEARS OF AGE MISREPRESENTING AGE,

18 PROCURING, POSSESSING, OR CONSUMING ALCOHOLIC

19 BEVERAGES; FIRST OR SECOND OFFENSE; CIVIL VIOLATION

20 (a)(1) Prohibited conduct. A person under 21 years of age shall not:

1 (A) ~~falsely~~ Falsely represent his or her age for the purpose of
2 procuring or attempting to procure malt or vinous beverages, spirits, or
3 fortified wines from any licensee, State liquor agency, or other person or
4 persons;.

5 (B) ~~possess~~ Possess malt or vinous beverages, spirits, or fortified
6 wines for the purpose of consumption by himself or herself or other minors,
7 except in the regular performance of duties as an employee of a licensee
8 licensed to sell alcoholic liquor; ~~or~~.

9 (C) ~~eonsume~~ Consume malt or vinous beverages, spirits, or fortified
10 wines. A violation of this subdivision may be prosecuted in a jurisdiction
11 where the minor has consumed malt or vinous beverages, spirits, or fortified
12 wines or in a jurisdiction where the indicators of consumption are observed.

13 (2) Offense. ~~Except as otherwise provided in section 657 of this title, a~~
14 ~~A~~ person under 21 years of age who knowingly and unlawfully violates
15 subdivision (1) of this subsection commits a civil violation and shall be
16 referred to the Court Diversion Program for the purpose of enrollment in the
17 Youth Substance Abuse Safety Program. A person who fails to complete the
18 program successfully shall be subject to:

19 (A) a civil penalty of ~~\$300.00 and suspension of the person's~~
20 ~~operator's license and privilege to operate a motor vehicle for a period of 90~~
21 ~~days, \$400.00~~ for a first offense; and

1 (B) a civil penalty of not less than \$400.00 and not more than
2 \$600.00 ~~and suspension of the person's operator's license and privilege to~~
3 ~~operate a motor vehicle for a period of 180 days,~~ for a second or subsequent
4 offense.

5 (b) Issuance of Notice of Violation. A law enforcement officer shall issue
6 a person under 21 years of age who violates this section a notice of violation,
7 in a form approved by the Court Administrator. The notice of violation shall
8 require the person to provide his or her name and address and shall explain
9 procedures under this section, including that:

10 (1) the person shall contact the Diversion Program in the county where
11 the offense occurred within 15 days;

12 (2) failure to contact the Diversion Program within 15 days will result in
13 the case being referred to the Judicial Bureau, where the person, if found liable
14 for the violation, will be subject to a civil penalty ~~and a suspension of the~~
15 ~~person's operator's license and may face substantially increased insurance~~
16 rates;

17 (3) no money should be submitted to pay any penalty until after
18 adjudication; and

19 (4) the person shall notify the Diversion Program if the person's address
20 changes.

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* * *

1 (e) Notice to Report to Diversion. Upon receipt from a law enforcement
2 officer of a summons and complaint completed under this section, the
3 Diversion Program shall send the person a notice to report to the Diversion
4 Program. The notice to report shall provide that:

5 (1) The person is required to complete all conditions related to the
6 offense imposed by the Diversion Program, including substance abuse
7 screening and, if deemed appropriate following the screening, substance abuse
8 education assessment or substance abuse counseling, or both.

9 (2) If the person does not satisfactorily complete the substance abuse
10 screening, any required substance abuse education assessment or substance
11 abuse counseling, or any other condition related to the offense imposed by the
12 Diversion Program, the case will be referred to the Judicial Bureau, where the
13 person, if found liable for the violation, shall be assessed a civil penalty, the
14 person's driver's license will be suspended, and the person's automobile
15 insurance rates may increase substantially.

16 (3) If the person satisfactorily completes the substance abuse screening,
17 any required substance abuse education assessment or substance abuse
18 counseling, and any other condition related to the offense imposed by the
19 Diversion Program, no penalty shall be imposed and the person's operator's
20 license shall not be suspended.

21 (f)(1) Diversion Program Requirements.

1 (1) Upon being contacted by a person who has been issued a notice of
2 violation, the Diversion Program shall register the person in the Youth
3 Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse
4 Safety Program, the Diversion Program shall impose conditions on the person.
5 The conditions imposed shall include only conditions related to the offense and
6 in every case shall include a condition requiring satisfactory completion of
7 substance abuse screening using an evidence-based tool and, if deemed
8 appropriate following the screening, substance abuse assessment and substance
9 abuse education or substance abuse counseling, or both. If the screener
10 recommends substance abuse counseling, the person shall choose a State-
11 certified or State-licensed substance abuse counselor or substance abuse
12 treatment provider to provide the services.

13 (2) Substance abuse screening required under this subsection shall be
14 completed within 60 days after the Diversion Program receives a summons and
15 complaint. The person shall complete all conditions at his or her own expense.

16 (3) When a person has satisfactorily completed substance abuse
17 screening, any required substance abuse education or substance abuse
18 counseling, and any other condition related to the offense which the Diversion
19 Program has imposed, the Diversion Program shall:

20 (A) ~~void~~ Void the summons and complaint with no penalty due; and,

1 (B) ~~send~~ Send copies of the voided summons and complaint to the
2 Judicial Bureau and to the law enforcement officer who completed them.

3 Before sending copies of the voided summons and complaint to the Judicial
4 Bureau under this subdivision, the Diversion Program shall redact all language
5 containing the person's name, address, Social Security number, and any other
6 information which identifies the person.

7 (4) If a person does not satisfactorily complete substance abuse
8 screening, any required substance abuse education or substance abuse
9 counseling, or any other condition related to the offense imposed by the
10 Diversion Program or if the person fails to pay the Diversion Program any
11 required program fees, the Diversion Program shall file the summons and
12 complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29.
13 The Diversion Program shall provide a copy of the summons and complaint to
14 the law enforcement officer who issued the notice of violation and shall
15 provide two copies to the person charged with the violation.

16 (5) A person aggrieved by a decision of the Diversion Program or
17 alcohol counselor may seek review of that decision pursuant to Rule 75 of the
18 Vermont Rules of Civil Procedure.

19 (g) ~~Failure to Pay Penalty. If a person fails to pay a penalty imposed under~~
20 ~~this section by the time ordered, the Judicial Bureau shall notify the~~
21 ~~Commissioner of Motor Vehicles, who shall suspend the person's operator's~~

1 license and privilege to operate a motor vehicle until payment is made.

2 [Repealed.]

3 (h) Record of Adjudications. Upon adjudicating a person in violation of
4 this section, the Judicial Bureau shall notify the Commissioner of Motor
5 Vehicles, who shall maintain a record of all such adjudications which shall be
6 separate from the registry maintained by the Department for motor vehicle
7 driving records. The identity of a person in the registry shall be revealed only
8 to a law enforcement officer determining whether the person has previously
9 violated this section. [Repealed.]

10 Sec. 6. REPEAL

11 7 V.S.A. § 657 (persons under 21; third or subsequent alcohol offense;
12 crime) is repealed.

13 Sec. 7. 13 V.S.A. § 5201(5) is amended to read:

14 (5) “Serious crime” does not include the following misdemeanor
15 offenses unless the judge at arraignment but before the entry of a plea
16 determines and states on the record that a sentence of imprisonment or a fine
17 over \$1,000.00 may be imposed on conviction:

18 (A) Minors misrepresenting age, procuring or possessing malt or
19 vinous beverages or spirituous liquor (7 V.S.A. § 657(a)) [Repealed.]

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* * *

1 Sec. 8. 28 V.S.A. § 205(c) is amended to read:

2 (c)(1) Unless the Court in its discretion finds that the interests of justice
3 require additional standard and special conditions of probation, when the Court
4 orders a specific term of probation for a qualifying offense, the offender shall
5 be placed on administrative probation, which means that the only conditions of
6 probation shall be that the probationer:

7 * * *

8 (2) As used in this subsection, “qualifying offense” means:

9 * * *

10 (M) ~~A first offense of a minor’s misrepresenting age, procuring,~~
11 ~~possessing, or consuming liquors under 7 V.S.A. § 657. [Repealed.]~~

12 * * *

13 Sec. 9. 7 V.S.A. § 1005 is amended to read:

14 § 1005. PERSONS UNDER 18 YEARS OF AGE; POSSESSION OF
15 TOBACCO PRODUCTS; MISREPRESENTING AGE OR
16 PURCHASING TOBACCO PRODUCTS; PENALTY

17 (a) A person under 18 years of age shall not possess, purchase, or attempt
18 to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia
19 unless the person is an employee of a holder of a tobacco license and is in
20 possession of tobacco products, tobacco substitutes, or tobacco paraphernalia
21 to effect a sale in the course of employment. A person under 18 years of age

1 shall not misrepresent his or her age to purchase or attempt to purchase tobacco
2 products, tobacco substitutes, or tobacco paraphernalia. A person who
3 possesses tobacco products, tobacco substitutes, or tobacco paraphernalia in
4 violation of this subsection shall be subject to having the tobacco products,
5 tobacco substitutes, or tobacco paraphernalia immediately confiscated and
6 shall be further subject to a civil penalty of \$25.00. ~~In the case of failure to~~
7 ~~pay a penalty, the Judicial Bureau shall mail a notice to the person at the~~
8 ~~address in the complaint notifying the person that failure to pay the penalty~~
9 ~~within 60 days of the notice will result in either the suspension of the person's~~
10 ~~operator's license for a period of not more than 90 days or the delay of the~~
11 ~~initial licensing of the person for a period of not more than one year. A copy~~
12 ~~of the notice shall be sent to the Commissioner of Motor Vehicles, who, after~~
13 ~~expiration of 60 days from the date of notice and unless notified by the Judicial~~
14 ~~Bureau that the penalty has been paid shall either suspend the person's~~
15 ~~operator's license or cause initial licensing of the person to be delayed for the~~
16 ~~periods set forth in this subsection and the rules.~~ An action under this
17 subsection shall be brought in the same manner as a traffic violation pursuant
18 to 23 V.S.A. chapter 24. ~~The Commissioner of Motor Vehicles shall adopt~~
19 ~~rules in accordance with the provisions of 3 V.S.A. chapter 25 to implement~~
20 ~~the provisions of this subsection, which may provide for incremental~~

1 ~~suspension or delays not exceeding cumulatively the maximum periods~~
2 ~~established by this subsection.~~

3 (b) A person under 18 years of age who misrepresents his or her age by
4 presenting false identification to purchase tobacco products, tobacco
5 substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or
6 provide up to 10 hours of community service, or both.

7 Sec. 10. 13 V.S.A. § 1753 is amended to read:

8 § 1753. FALSE PUBLIC ALARMS

9 (a) A person who initiates or willfully circulates or transmits a report or
10 warning of an impending bombing or other offense or catastrophe, knowing
11 that the report or warning is false or baseless and that it is likely to cause
12 evacuation of a building, place of assembly, or facility of public transport, or to
13 cause public inconvenience or alarm, shall, for the first offense, be imprisoned
14 for not more than two years or fined not more than \$5,000.00, or both. For the
15 second or subsequent offense, the person shall be imprisoned for not more than
16 five years or fined not more than \$10,000.00, or both. In addition, the court
17 may order the person to perform community service. Any community service
18 ordered under this section shall be supervised by the ~~department of corrections~~
19 Department of Corrections.

20 (b) ~~In addition, if the person is under 18 years of age, or if the person is~~
21 ~~enrolled in a public school, an approved or recognized independent school, a~~

1 ~~home study program, or tutorial program as those terms are defined in section~~

2 ~~11 of Title 16:~~

3 ~~(1) if the person has a motor vehicle operator's license issued under~~
4 ~~chapter 9 of Title 23, the commissioner of motor vehicles shall suspend the~~
5 ~~license for 180 days for a first offense and two years for a second offense; or~~

6 ~~(2) if the person does not qualify for a license because the person is~~
7 ~~underage, the commissioner of motor vehicles shall delay the person's~~
8 ~~eligibility to obtain a drivers license for 180 days for the first offense and two~~
9 ~~years for the second offense. [Repealed.]~~

10 Sec. 11. 18 V.S.A. § 4230b is amended to read:

11 § 4230b. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS

12 OF AGE; FIRST OR SECOND OFFENSE; CIVIL VIOLATION

13 (a) Offense. ~~Except as otherwise provided in section 4230c of this title, a~~
14 ~~A person under 21 years of age who knowingly and unlawfully possesses one~~
15 ~~ounce or less of marijuana or five grams or less of hashish commits a civil~~
16 ~~violation and shall be referred to the Court Diversion Program for the purpose~~
17 ~~of enrollment in the Youth Substance Abuse Safety Program. A person who~~
18 ~~fails to complete the program successfully shall be subject to:~~

19 (1) a civil penalty of ~~\$300.00 and suspension of the person's operator's~~
20 ~~license and privilege to operate a motor vehicle for a period of 90 days,~~
21 ~~\$400.00~~ for a first offense; and

1 (2) a civil penalty of not less than \$400.00 and not more than \$600.00

2 ~~and suspension of the person's operator's license and privilege to operate a~~

3 ~~motor vehicle for a period of 180 days,~~ for a second or subsequent offense.

4 (b) Issuance of Notice of Violation. A law enforcement officer shall issue
5 a person under 21 years of age who violates this section with a notice of
6 violation, in a form approved by the Court Administrator. The notice of
7 violation shall require the person to provide his or her name and address and
8 shall explain procedures under this section, including that:

9 (1) the person shall contact the Diversion Program in the county where
10 the offense occurred within 15 days;

11 (2) failure to contact the Diversion Program within 15 days will result in
12 the case being referred to the Judicial Bureau, where the person, if found liable
13 for the violation, will be subject to a civil penalty ~~and a suspension of the~~
14 ~~person's operator's license and may face substantially increased insurance~~
15 ~~rates;~~

16 (3) no money should be submitted to pay any penalty until after
17 adjudication; and

18 (4) the person shall notify the Diversion Program if the person's address
19 changes.

20 * * *

1 (e) Notice to Report to Diversion. Upon receipt from a law enforcement
2 officer of a summons and complaint completed under this section, the
3 Diversion Program shall send the person a notice to report to the Diversion
4 Program. The notice to report shall provide that:

5 (1) The person is required to complete all conditions related to the
6 offense imposed by the Diversion Program, including substance abuse
7 screening and, if deemed appropriate following the screening, substance abuse
8 education assessment or substance abuse counseling, or both.

9 (2) If the person does not satisfactorily complete the substance abuse
10 screening, any required substance abuse education assessment or substance
11 abuse counseling, or any other condition related to the offense imposed by the
12 Diversion Program, the case will be referred to the Judicial Bureau, where the
13 person, if found liable for the violation, shall be assessed a civil penalty, the
14 person's driver's license will be suspended, and the person's automobile
15 insurance rates may increase substantially.

16 (3) If the person satisfactorily completes the substance abuse screening,
17 any required substance abuse education assessment or substance abuse
18 counseling, and any other condition related to the offense imposed by the
19 Diversion Program, no penalty shall be imposed and the person's operator's
20 license shall not be suspended.

1 (g) ~~Failure to Pay Penalty. If a person fails to pay a penalty imposed under~~
2 ~~this section by the time ordered, the Judicial Bureau shall notify the~~
3 ~~Commissioner of Motor Vehicles, who shall suspend the person's operator's~~
4 ~~license and privilege to operate a motor vehicle until payment is made.~~

5 [Repealed.]

6 (h) ~~Record of Adjudications. Upon adjudicating a person in violation of~~
7 ~~this section, the Judicial Bureau shall notify the Commissioner of Motor~~
8 ~~Vehicles, who shall maintain a record of all such adjudications which shall be~~
9 ~~separate from the registry maintained by the Department for motor vehicle~~
10 ~~driving records. The identity of a person in the registry shall be revealed only~~
11 ~~to a law enforcement officer determining whether the person has previously~~
12 ~~violated this section. [Repealed.]~~

13 Sec. 12. DEPARTMENT OF MOTOR VEHICLES REGISTRY OF

14 UNDERAGE ALCOHOL AND MARIJUANA OFFENSES

15 It is the intent of the General Assembly that any copy of the registry of
16 underage alcohol and marijuana adjudications that the Department of Motor
17 Vehicles was required to maintain under the former 7 V.S.A. § 656(h) and
18 18 V.S.A. § 4230b(h) (repealed in Secs. 5 and 11 of this act, respectively) be
19 destroyed.

1 Sec. 13. REPEAL

2 18 V.S.A. § 4230c (marijuana possession by a person under 21 years of age;3 third or subsequent offense; crime) is repealed.

4 Sec. 14. 20 V.S.A. § 2358 (b)(2)(B)(i)(XX) is amended to read:

5 (XX) 18 V.S.A. §§ 4230(a), 4230c, and 4230d (marijuana6 possession);

7 Sec. 15. 32 V.S.A. § 8909 is amended to read:

8 § 8909. ENFORCEMENT

9 If the tax due under subsection 8903(a), (b) and (d) 8903(d) of this title is
10 not paid as hereinbefore provided the Commissioner shall suspend such
11 purchaser's or the rental company's right to operate a motor vehicle license to
12 act as a rental company and motor vehicle registrations within the State of
13 Vermont until such tax is paid, and such tax may be recovered with costs in an
14 action brought in the name of the State on this statute.

15 * * * Driving with License Suspended* * *

16 Sec. 16. 23 V.S.A. § 674 is amended to read:

17 § 674. OPERATING AFTER SUSPENSION OR REVOCATION OF

18 LICENSE; PENALTY; REMOVAL OF REGISTRATION PLATES;

19 TOWING

20 (a)(1) Except as provided in section 676 of this title, a person whose license
21 or privilege to operate a motor vehicle has been suspended or revoked for a

1 violation of this section or subsection 1091(b), 1094(b), or 1128(b) or (c) of
2 this title and who operates or attempts to operate a motor vehicle upon a public
3 highway before the suspension period imposed for the violation has expired
4 shall be imprisoned not more than two years or fined not more than \$5,000.00,
5 or both.

6 (2)(A) A person whose license or privilege to operate a motor vehicle
7 has been suspended or revoked for a violation of section 2506 of this title
8 (points suspensions) and who operates or attempts to operate a motor vehicle
9 upon a public highway for a third or subsequent time on or after July 1, 2016
10 before the suspension period imposed for the violation has expired shall be
11 imprisoned not more than two years or fined not more than \$5,000.00, or both.

12 (B) A Other than as provided in subdivision (A) of this subdivision
13 (a)(2), a A person who violates section 676 of this title for the ~~sixth~~ third or
14 subsequent time shall, if the ~~five~~ two prior offenses occurred ~~on~~ or after ~~July 1,~~
15 ~~2003~~ December 1, 2016, be imprisoned not more than two years or fined not
16 more than \$5,000.00, or both.

17 (3) Violations of section 676 of this title that occurred prior to the date a
18 person successfully completes the DLS Diversion Program ~~or prior to the date~~
19 ~~that a person pays the amount due to the Judicial Bureau in accordance with~~
20 ~~subsection 2307(b) of this chapter~~ shall not be counted as prior offenses under
21 subdivision (2) of this subsection.

1

* * *

2

* * * Operating Without Obtaining a License * * *

3

Sec. 17. 23 V.S.A. § 601 is amended to read:

4

§ 601. LICENSE REQUIRED

5

* * *

6

(g) A person who violates this section commits a traffic violation, except

7

that a person who violates this section after a previous conviction under this

8

section within the prior four years shall be subject to imprisonment for not

9

more than 60 days or a fine of not more than \$5,000.00, or both. An unsworn

10

printout of the person's Vermont motor vehicle conviction history may be

11

admitted into evidence to prove a prior conviction under this section.

12

* * * Assessment of Points Against a Person's Driving Record * * *

13

Sec. 17. 23 V.S.A. § 1006a is amended to read:

14

§ 1006a. HIGHWAYS; EMERGENCY CLOSURE; TEMPORARY SPEED

15

LIMITS

16

* * *

17

(b) The Traffic Committee may establish a temporary speed limit within

18

that portion of the State highways that is being reconstructed or maintained.

19

The limit shall be effective when appropriate signs stating the limit are erected.

1 (c) Under 3 V.S.A. chapter 25, the Traffic Committee shall adopt such
2 rules as are necessary to administer this section and may delegate this authority
3 to the Agency of Transportation.

4 (d) Notwithstanding the limit established in section 2302 of this title and
5 the waiver penalties established under 4 V.S.A. § 1102(d), the penalty and
6 points assessed against a person's driving record for a violation of the speed
7 limits established under subsection (b) of this section shall be twice the penalty
8 and the points assessed for non-worksite speed violations.

9 Sec. 18. 23 V.S.A. § 1010 is amended to read:

10 § 1010. SPECIAL OCCASIONS; TOWN HIGHWAY MAINTENANCE

11 (a) When it appears that traffic will be congested by reason of a public
12 occasion, or when a town highway is being reconstructed or maintained, or
13 where utilities are being installed, relocated, or maintained, the legislative body
14 of a municipality may make special regulations as to the speed of motor
15 vehicles on town highways, may exclude motor vehicles from town highways,
16 and may make such traffic rules and regulations as the public good requires.
17 However, signs indicating the special regulations must be conspicuously
18 posted in and near all affected areas, giving as much notice as possible to the
19 public so that alternative routes of travel could be considered.

20 (b) Notwithstanding the limit established in section 2302 of this title and
21 the waiver penalties established under 4 V.S.A. § 1102(d), the penalty and

points assessed against a person's driving record for a violation of the speed limits established under the worksite provision of this section shall be twice the penalty and the points assessed for non-worksit speed violations.

4 Sec. 19. 23 V.S.A. § 1081 is amended to read:

§ 1081. BASIC RULE AND MAXIMUM LIMITS

* * *

12 (c) The maximum speed limits set forth in this section may be altered in
13 accordance with sections 1003, 1004, 1006a, 1007, and 1010 of this title.

* * *

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE

17 PROHIBITED

18

19 (c) Penalties

20 (1) A person who violates this section commits a traffic violation and
21 shall be subject to a fine of not less than \$100.00 and not more than \$200.00

1 for a first violation, and of not less than \$250.00 and not more than \$500.00 for
2 a second or subsequent violation within any two-year period.

(2) A person convicted of violating this section while operating within a
properly designated work zone in which construction, maintenance, or utility
personnel are present the following areas shall have two five points assessed
against his or her driving record for a first conviction and five points assessed
for a second or subsequent conviction.

8 (A) a properly designated work zone in which construction,

9 maintenance, or utility personnel are present; or

10 (B) a school zone marked with warning signs conforming to the
11 Manual on Uniform Traffic Control Devices.

* * *

Sec. 21. 23 V.S.A. § 1099 is amended to read:

17 § 1099. TEXTING PROHIBITED

* * *

1 (1) a penalty of not less than \$100.00 and not more than \$200.00 for a
2 first violation, and of not less than \$250.00 and not more than \$500.00 for a
3 second or subsequent violation within any two-year period; and

4 (2)(A) an assessment of five points against his or her driving record if
5 the violation occurred outside the areas designated in subdivision (B) of this
6 subdivision (c)(2); or

7 (B) an assessment of seven points against his or her driving record
8 when the violation occurred within:

9 (i) a properly designated work zone in which construction,
10 maintenance, or utility personnel are present; or
11 (ii) a school zone marked with warning signs conforming to the
12 Manual on Uniform Traffic Control Devices.

13 Sec. 22. 23 V.S.A. § 2502 is amended to read:

14 **§ 2502. POINT ASSESSMENT; SCHEDULE**

15 (a) Unless the assessment of points is waived by a Superior judge or a
16 Judicial Bureau hearing officer in the interests of justice and in accordance
17 with subsection 2501(b) of this title, a person operating a motor vehicle shall
18 have points assessed against his or her driving record for convictions for
19 moving violations of the indicated motor vehicle statutes in accord with the
20 following schedule: (All references are to Title 23 of the Vermont Statutes
21 Annotated.)

1 (1) Two points assessed for:

* * *

3 (LL)(i) § 1095. Entertainment picture visible

4 to operator;

5 (ii) § 1095b(e)(2) Use of portable electronic device

6 in outside work or school

7 zone—first offense

* * *

Motorecycle headgear Face

10 protection;

11 (DDD) § 1257.1258. Face Protection Child restraint

12 [systems;](#)

13 (EEE) § 1258 Child restraint systems;

14 **(FFF)** § 800. Operating without financial

15 responsibility;

16 **(FFF)(GGG)** All other moving violations

which have no specified points;

18 * * *

1 (B) § 1075. Illegal passing of school bus;

2 (C) § 1099. Texting prohibited—outside work or

school zone;

4 (D) § 1095b(e)(2) Use of portable electronic

5 device in work or school zone—

6 second and subsequent offenses;

* * *

8 (6) Two points assessed for sections 1003 and, 1007, and 1081. State

speed zones and local speed limits, and basic speed rule, less than 10 miles per

10 hour over and in excess of speed limit;

11 (7) Three points assessed for sections 1003 and, 1007, and 1081. State

speed zones and local speed limits, and basic speed rule, more than 10 miles

13 per hour over and in excess of speed limit;

(8) Five points assessed for sections 1003 and, 1007, and 1081. State

15 speed zones and local speed limits, and basic speed rule, more than 20 miles

16 per hour over and in excess of speed limit;

17 (9) Eight points assessed for sections 1003 and, 1007, 1081, and 1097.

18 State speed zones and, local speed limits, and basic speed rule, more than

19 30 miles per hour over and in excess of the speed limit-, and criminal exce

20 speed:

1 (10) Seven points assessed for subdivision 1099(c)(2)(B) (texting in a
2 work or school zone).

3 * * *

4 * * * Judicial Bureau Hearings; Consideration of Ability to Pay * * *

5 Sec. 23. 4 V.S.A. § 1106 is amended to read:

6 § 1106. HEARING

7 (a) The Bureau shall notify the person charged and the issuing officer of
8 the time and place for the hearing.

9 (b) The hearing shall be held before a hearing officer and conducted in an
10 impartial manner. The hearing officer may, by subpoena, compel the
11 attendance and testimony of witnesses and the production of books and
12 records. All witnesses shall be sworn. The burden of proof shall be on the
13 State or municipality to prove the allegations by clear and convincing
14 evidence. As used in this section, “clear and convincing evidence” means
15 evidence which establishes that the truth of the facts asserted is highly
16 probable. Certified copies of records supplied by the Department of Motor
17 Vehicles or the Agency of Natural Resources and presented by the issuing
18 officer or other person shall be admissible without testimony by a
19 representative of the Department of Motor Vehicles or the Agency of Natural
20 Resources.

(c)(1) Prior to entering judgment against a defendant, a hearing officer shall consider evidence of ability to pay if offered by the defendant.

3 (2) The hearing officer shall make findings which shall be stated on the
4 record or, if more time is needed, made in writing at a later date. The hearing
5 officer may make a finding that the person has committed a lesser included
6 violation. If the hearing officer finds that the defendant committed a violation,
7 the hearing officer shall consider evidence of ability to pay, if offered by the
8 defendant, prior to imposing a penalty.

9 (d) A law enforcement officer may void or amend a complaint issued by
10 that officer by so marking the complaint and returning it to the Bureau,
11 regardless of whether the amended complaint is a lesser included violation. At
12 the hearing, a law enforcement officer may void or amend a complaint issued
13 by that officer in the discretion of that officer.

14 (e) A State's Attorney may dismiss or amend a complaint.

15 (f) The Supreme Court shall establish rules for the conduct of hearings
16 under this chapter.

* * * DLS Diversion Program * * *

18 Sec. 24. DLS DIVERSION PROGRAM; REPEAL

19 2012 Acts and Resolves No. 147, Sec. 2, as amended by 2013 Acts and

20 Resolves No. 18, Sec. 1a (DLS Diversion Program) shall be repealed on July 1,
21 2016.

1 * * * Awareness of Payment and Hearing Options * * *

2 Sec. 25. RAISING AWARENESS OF TRAFFIC VIOLATION JUDGMENT

3 PAYMENT AND HEARING OPTIONS

4 (a) In conducting basic training courses and annual in-service trainings, the
5 Criminal Justice Training Council is encouraged to train enforcement officers
6 about the existence of payment plan options for traffic violation judgments.
7 Enforcement officers are encouraged to mention these options to a motorist at
8 the time of issuing a complaint for a traffic violation.

9 (b) The General Assembly recommends that the Judicial Bureau update the
10 standard materials that enforcement officers provide to persons issued a civil
11 complaint for a traffic violation to notify such persons of payment plan options
12 and of the person's right to request a hearing on ability to pay.

13 (c) The General Assembly encourages the Judicial Bureau to prominently
14 display on its website information about the existence of payment plan options
15 for traffic violation judgments and the right of a person issued a complaint for
16 a traffic violation to request a hearing on ability to pay.

17 (d) The Agency of Transportation shall carry out a campaign to raise public
18 awareness of traffic violation judgment payment plan options and of a person's
19 right to request a hearing before a Judicial Bureau hearing officer on his or her
20 ability to pay a Judicial Bureau judgment.

1

* * * Criminal DLS Charges; Statistics * * *

2

Sec. 26. STATISTICS REGARDING CRIMINAL DLS CHARGES

3

(a) On or before January 15, 2018, and separately for calendar years 2013,

4

2014, 2015, 2016, and 2017, the Court Administrator shall submit in writing to

5

the House and Senate Committees on Judiciary the number, and a breakdown

6

of the dispositions, of criminal driving with license suspended charges filed

7

statewide:

8

(1) under 23 V.S.A. § 674(b) (driving while suspended for a DUI

9

offense):

10

(2) under 23 V.S.A. § 674(a)(1) (driving while suspended for certain

11

non-DUI criminal motor vehicle offenses);

12

(3) for a sixth or subsequent violation of 23 V.S.A. § 676 (civil DLS);

13

(4) under 23 V.S.A. § 674(a)(2)(A) (a third or subsequent DLS arising

14

from a suspension for points) for 2016 and after.

15

(b) On or before January 15 of 2019, 2020, and 2021, respectively, the

16

Court Administrator shall submit in writing to the House and Senate

17

Committees on Judiciary the statistics specified in subdivisions (a)(1)–(4) of

18

this section for the prior calendar year.

1

* * * Traffic Violation Judgments; Receipts; Statistics * * *

2

Sec. 27. STATISTICS RELATED TO TRAFFIC VIOLATION JUDGMENT

3

HEARINGS, RECEIPTS

4

(a) On or before January 15, 2018, and separately for calendar years 2013, 2014, 2015, 2016, and 2017, the Court Administrator shall submit in writing to the House and Senate Committees on Judiciary and on Transportation:

7

- (1) the total number of traffic violation judgments entered; and
- (2) the total payments collected on traffic violation judgments.

9

(b) On or before January 15 of 2019, 2020, and 2021, respectively, the Court Administrator shall submit in writing to the Committees on Judiciary and on Transportation the statistics specified in subdivisions (a)(1) and (2) of this section for the prior calendar year.

(c) On or before January 15 of 2017–2021, respectively, the Court Administrator shall submit in writing to the House and Senate Committees on Judiciary and on Transportation:

- (1) the total unpaid amount of outstanding traffic violation judgments as of January 1 of each year;
- (2) the number of persons under payment plans as of January 1 of each year and the number of persons who successfully completed a payment plan in the prior calendar year;

1 (3) the number of judgments reduced in the prior calendar year as a
2 result of a hearing held pursuant to 4 V.S.A. § 1106; and

3 (4) the number of judgments reduced in the prior calendar year as a
4 result of postjudgment motions to amend.

5 * * * Underage Alcohol and Marijuana Violations; Statistics * * *

6 Sec. 28. UNDERAGE ALCOHOL AND MARIJUANA VIOLATIONS;

7 COMPLETION OF DIVERSION

8 On or before January 25, 2018, the Diversion Program shall submit to the
9 House and Senate Committees on Judiciary, the House Committee on Human
10 Services, and the Senate Committee on Health and Welfare statistics showing:

11 (1) for calendar years 2014 and 2015 separately, the number of notices
12 to report received by the Diversion Program from law enforcement, as well as
13 the number of persons who successfully completed Diversion, for:

14 (A) a violation of 7 V.S.A. § 656 (underage alcohol violation); and
15 (B) a violation of 18 V.S.A. § 4230b (underage marijuana violation);

16 (2) for calendar years 2016 and 2017 separately, the number of notices
17 to report received by the Diversion Program from law enforcement, as well as
18 the number of persons who successfully completed Diversion, for:

19 (A) a first or second violation of 7 V.S.A. § 656;
20 (B) a third or subsequent violation of 7 V.S.A. § 656;
21 (C) a first or second violation of 18 V.S.A. § 4230b; and

1 (D) a third or subsequent violation of 18 V.S.A. § 4230b.

2 Sec. 29. 23 V.S.A. § 4(44) is amended to read:

3 (44) “Moving violation” ~~shall mean means~~ any violation of any
4 provision of this title, while the motor vehicle is being operated on a public
5 highway, over which operation the operator has discretion as to commission of
6 the act, ~~with exception of except for~~ offenses pertaining to:

7 (A) a parked vehicle, equipment, size, weight, inspection, or
8 registration of the vehicle ~~and child restraint or safety belt systems or;~~

9 (B) motorcycle headgear as required in section 1256 of this title; or

10 (C) seat belts as required in section 1258 or 1259 of this title.

11 * * * Immunity for Forcible Entry of Motor Vehicle for Rescue Purposes * * *

12 Sec. ##. 12 V.S.A. § 5784 is added to read:

13 § 5784. FORCIBLE ENTRY OF MOTOR VEHICLE TO REMOVE

14 UNATTENDED CHILD OR ANIMAL

15 A person who forcibly enters a motor vehicle for the purpose of removing a
16 child or animal from the motor vehicle shall not be subject to civil liability for
17 damages arising from the forcible entry if the person:

18 (1) determines the motor vehicle is locked or there is otherwise no
19 reasonable method for the child or animal to exit the vehicle;

1 (2) reasonably and in good faith believes that forcible entry into the
2 motor vehicle is necessary because the child or animal is in imminent danger

3 of harm:

4 (3) notifies local law enforcement, fire department, or a 911 operator as
5 soon as practicable under the circumstances;

6 (4) remains with the child or animal in a safe location reasonably close
7 to the motor vehicle until a law enforcement, fire, or other emergency
8 responder arrives;

9 (5) places a notice on the vehicle that the authorities have been notified
10 and specifying the location of the child or animal; and

11 (6) uses no more force to enter the vehicle and remove the child or
12 animal than necessary under the circumstances.

13 * * * Fair and Impartial Policing * * *

14 Sec. #. 20 V.S.A. § 2358 is amended to read:

15 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

16 * * *

17 (e)(1) The criteria for all minimum training standards under this section
18 shall include anti-bias training approved by the Vermont Criminal Justice
19 Training Council and training on the State, county, or municipal law
20 enforcement agency's fair and impartial policing policy, adopted pursuant to
21 subsection 2366(a) of this title.

1 (2) On or before December 31, 2018, law enforcement officers shall
2 receive a minimum of four hours of training as required by this subsection and
3 shall receive a refresher course every two years in a program approved by the
4 Vermont Criminal Justice Training Council in order to remain certified.

5 (3) A list of officers who have completed the fair and impartial policing
6 training and the dates of the completion shall be public and posted on the
7 Vermont Criminal Justice Training Council's website.

8 Sec. #. 20 V.S.A. § 2366 is amended to read:

9 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
10 POLICING POLICY; RACE DATA COLLECTION

11 (a)(1) Except as provided in subdivision (2) of this subsection, on or before
12 September 1, 2014, every State, local, county, and municipal law enforcement
13 agency, and every constable who exercises law enforcement authority pursuant
14 to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of
15 this title, shall adopt a fair and impartial policing policy. The policy shall
16 contain substantially the same elements of either the current Vermont State
17 Police fair and impartial policing policy or the most current model policy
18 issued by the Office of the Attorney General.

19 (2) On or before January 1, 2016, the Criminal Justice Training Council,
20 in consultation with stakeholders, including the Vermont League of Cities and
21 Towns, the Vermont Human Rights Commission, and Migrant Justice, shall

1 ~~adopt~~ create a model fair and impartial policing policy. On or before July 1,
2 2016, every State, local, county, and municipal law enforcement agency,
3 and every constable who exercises law enforcement authority pursuant to
4 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this
5 title, shall adopt a fair and impartial policing policy that includes, at a
6 minimum, the elements of the Criminal Justice Training Council model policy.

7 (b) If a law enforcement agency or constable that is required to adopt a
8 policy pursuant to subsection (a) of this section fails to do so on or before
9 September 1, 2014 ~~July 1, 2016~~, that agency or constable shall be deemed to
10 have adopted, and shall follow and enforce, the model policy issued by the
11 Office of the Attorney General Criminal Justice Training Council.

12 (c) On or before September 15, 2014, and annually thereafter as part of
13 their annual training report to the Council, every State, local, county, and
14 municipal law enforcement agency, and every constable who exercises law
15 enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in
16 compliance with section 2358 of this title, shall report to the Council whether
17 the agency or officer has adopted a fair and impartial policing policy in
18 accordance with subsections (a) and (b) of this section ~~and which policy has~~
19 ~~been adopted~~. The Criminal Justice Training Council shall determine, as part
20 of the Council's annual certification of training requirements, if current

1 officers have received training on fair and impartial policing as required by
2 20 V.S.A. § 2358(e).

3 (d) On or before October 15, 2014, and annually thereafter on April 1, the
4 Criminal Justice Training Council shall report to the House and Senate
5 Committees on Judiciary which departments and officers have adopted a fair
6 and impartial policing policy, which policy has been adopted, and whether
7 officers have received training on fair and impartial policing.

8 (e)(1) On or before September 1, 2014, every State, local, county, and
9 municipal law enforcement agency shall collect roadside stop data consisting
10 of the following:

- 11 (A) the age, gender, and race of the driver;
- 12 (B) the reason for the stop;
- 13 (C) the type of search conducted, if any;
- 14 (D) the evidence located, if any; and
- 15 (E) the outcome of the stop, including whether:
 - 16 (i) a written warning was issued;
 - 17 (ii) a citation for a civil violation was issued;
 - 18 (iii) a citation or arrest for a misdemeanor or a felony occurred; or
 - 19 (iv) no subsequent action was taken.

20 (2) Law enforcement agencies shall work with the Criminal Justice
21 Training Council and the Crime Research Group of Vermont with the goals of

1 collecting uniform data, adopting uniform storage methods and periods, and
2 ensuring that data can be analyzed. Roadside stop data, as well as reports and
3 analysis of roadside stop data, shall be public.

4 (3) On or before September 1, 2016 and annually thereafter, law
5 enforcement agencies shall provide the data collected under this subsection to
6 the Crime Research Group of Vermont or, in the event the Crime Research
7 Group of Vermont is unable to continue receiving data under this section, to
8 the Criminal Justice Training Council. Law enforcement agencies shall
9 provide the data collected under this subsection in an electronic format
10 specified by the receiving agency.

11 (4) The data provided pursuant to subdivision (3) of this subsection shall
12 be posted electronically in a manner that is analyzable and accessible to the
13 public on the receiving agency's website.

14 (5) On or before April 1, 2017, and annually thereafter, the Criminal
15 Justice Training Council shall report to the House and Senate Committees on
16 Judiciary on the departments and officers that have and have not provided the
17 data required by subdivision (3) of this subsection. The list of officers,
18 agencies, or departments that have and have not provided the data in
19 accordance with subdivision (3) of this subsection shall be public.

1

* * * Effective Dates * * *

2 Sec. 30. EFFECTIVE DATES

3 (a) This section, Sec. 1 (termination of suspensions arising from pre-1990
4 failures to appear on criminal traffic offense charges), Sec. 2(e) (public
5 awareness campaign), Sec. 2a (termination of suspensions repealed in act), and
6 Secs. 3–15 (amendment or repeal of license suspension and registration refusal
7 provisions and underage alcohol and marijuana crimes), and Secs. #–# (related
8 to fair and impartial policing) shall take effect on passage.

9 (b) All other sections shall take effect on July 1, 2016.

10 and that after passage the title of the bill be amended to read: “An act relating
11 to driver’s license suspensions and miscellaneous judicial and criminal justice
12 topics”

13
14 (Committee vote: _____)

15 _____

16 Senator _____

17 FOR THE COMMITTEE