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H.563

Introduced by Representatives Willhoit of St. Johnsbury, Colburn of
Burlington, and LaLonde of South Burlington

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; vagrants

Statement of purpose of bill as introduced: This bill proposes to repeal the
chapter on vagrancy.

An act relating to repealing the crimes of vagrancy

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. REPEAL~~

~~13 V.S.A. chapter 85 (Vagrants) is repealed.~~

Sec. 2. EFFECTIVE DATE

~~This act shall take effect on July 1, 2018.~~

Sec. 1. FINDINGS

The General Assembly finds:

(1) At common law, a vagrant is someone who refuses to work or goes about begging. Throughout the 19th and 20th centuries, Vermont and most other states criminalized this status. An 1864 Vermont statute focused on a

“person, who, having his face painted, discolored, covered, or concealed, or being otherwise disguised in a manner calculated to prevent him from being identified and his true character discovered.” Other versions of the law targeted persons who were “unable to give a good account of themselves.”

(2) Vermont’s vagrancy laws are very likely unconstitutional. Similar laws in other states have been struck down by the courts for vagueness and overbreadth, for failure to provide fair notice of what conduct is forbidden, and for encouraging arbitrary and erratic arrests.

(3) Vermont’s vagrancy laws criminalize a person’s status as someone who “roves from place to place and [lives] without visible means of support...” Any conduct prohibited in the vagrancy chapter is covered by other statutes in current law such as disorderly conduct, trespass, and assault.

Sec. 2. REPEAL

13 V.S.A. chapter 83 (Vagrants) is repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2018.