

1 S.5

2 Introduced by Senator Sears

3 Referred to Committee on Judiciary

4 Date: January 10, 2017

5 Subject: Criminal procedure; pleas

6 Statement of purpose of bill as introduced: This bill proposes to establish a
7 permissive inference that, when a nonlisted felony crime is plead down to a
8 misdemeanor, the plea agreement is made for the purpose of allowing the
9 defendant to avoid the collateral consequences of a felony conviction.

10 An act relating to plea agreements

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

12 ~~Sec. 1. 13 V.S.A. § 6565 is amended to read:~~

13 § 6565. PLEAS

14 (a) In prosecutions for felonies, the ~~state's attorney~~ State's Attorney or
15 Attorney General shall place on record in open court the content of the plea
16 agreement, including the offenses charged and the disposition of those charges,
17 and the prosecutor's reasons for entry into the plea agreement as permitted by
18 the rules of criminal procedure. For purposes of this subsection, it shall be a
19 permissive inference that a reduction in charge from a felony not listed in

1 ~~subdivision 5301(17) of this title to a misdemeanor is made for the purpose of~~
2 allowing the defendant to avoid the collateral consequences of a felony
3 conviction.

4 * * *

5 Sec. 2. EFFECTIVE DATE

6 ~~This act shall take effect on July 1, 2017.~~

Sec. 1. 13 V.S.A. § 6565 is amended to read:

§ 6565. PLEAS

(a) In prosecutions for felonies, the state's attorney State's Attorney shall place on record in open court the content of the plea agreement, including the offenses charged and the disposition of those charges, ~~and the prosecutor's reasons for entry into the plea agreement as permitted by the rules of criminal procedure.~~

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Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.