S.7

An act relating to deferred sentences and the sex offender registry

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

Sec. 1. 13 V.S.A. § 5401 is amended to read:

§ 5401. DEFINITIONS

As used in this subchapter:

* * *

(15)(A) "Conviction" means a judgment of guilt following a verdict or finding of guilt, a plea of guilty, a plea of nolo contendere, an Alford Plea, or a judgment of guilt pursuant to a deferred sentence.

(B) A sex offender whose sentence is deferred shall have no duty to register ~~after successful completion of the terms of the deferred sentence agreement for the duration specified in the agreement~~ unless:

(i) the offender violates the terms of the deferred sentence agreement and is sentenced on the conviction, in which case the offender's name shall remain on the Registry for the period of time required by subsection 5407(e) or (f) of this title; or

(ii) the court finds that the interests of justice warrant placing the offender's name on the Registry while the sentence is deferred, in which case the offender's name shall be removed from the Registry upon his or her successful completion of the deferred sentence agreement.

* * *

Sec. 2. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

* * *

(e) Information regarding a sex offender shall not be posted electronically

if the conduct that is the basis for the offense is criminal only because of the

age of the victim and the perpetrator is within 38 months of age of the victim.

(f) Information regarding a sex offender shall not be posted electronically

prior to the offender reaching ~~the age of~~ 18 years of age, but such information

shall be otherwise available pursuant to section 5411 of this title.

* * *

(m) Information regarding a sex offender whose sentence is deferred shall

not be posted electronically unless the offender violates the terms of the

deferred sentence agreement and is sentenced on the conviction.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.