

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 308
3 entitled “An act relating to a committee to reorganize and reclassify Vermont’s
4 criminal statutes” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. CRIMINAL CODE RECLASSIFICATION IMPLEMENTATION
8 COMMITTEE

9 (a) Creation. There is created the Criminal Code Reclassification
10 Committee to develop and propose a classification system for purposes of
11 structuring Vermont’s criminal offenses.

12 (b) Membership. The Committee shall be composed of the following six
13 members:

14 (1) three current members of the House of Representatives, not all from
15 the same political party, who shall be appointed by the Speaker of the
16 House; and

17 (2) three current members of the Senate, not all from the same political
18 party, who shall be appointed by the Committee on Committees;

19 (c) Powers and duties.

20 (1) The Committee shall develop a classification system that creates
21 categories of criminal offenses on the basis of the maximum potential period of

1 imprisonment and the maximum potential fine. The Committee shall propose
2 legislation that places each of Vermont's criminal statutes into one of the
3 classification offense categories it identifies. If the Committee is unable to
4 determine an appropriate classification for a particular offense, the Committee
5 shall indicate multiple classification possibilities for that offense.

6 (2) For purposes of the classification system developed pursuant to this
7 section, the Committee shall consider the recommendations of the Criminal
8 Code Reclassification Study Committee, and may consider whether to propose:

9 (A) rules of statutory interpretation specifically for criminal
10 provisions;

11 (B) the consistent use of mental element terminology in all criminal
12 provisions;

13 (C) a comprehensive section of definitions applicable to all criminal
14 provisions.

15 (d) Assistance. The Committee shall have the administrative, technical,
16 and legal assistance of the Office of Legislative Council and the Joint Fiscal
17 Office, and may consult with the Vermont Center for Justice Research, the
18 Vermont Law School Center for Justice Reform, and any other person who
19 would be of assistance to the Committee.

1 (e) Report. On or before December 31, 2017, the Committee shall submit a
2 report consisting of proposed legislation to the House and Senate Committees
3 on Judiciary.

4 (f) Meetings.

5 (1) The Committee shall select a chair and a vice chair from among its
6 members at the first meeting.

7 (2) A majority of the membership shall constitute a quorum.

8 (3) The Committee shall cease to exist on January 15, 2018.

9 (g) Reimbursement. For attendance at meetings during adjournment of the
10 General Assembly, members of the Committee shall be entitled to per diem
11 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on passage.

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18 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE