

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 9
3 entitled “An act relating to deferred sentences” respectfully reports that it has
4 considered the same and recommends that the bill be amended by striking out
5 all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. 13 V.S.A. § 7041 is amended to read:

7 § 7041. DEFERRED SENTENCE

8 (a) Upon an adjudication of guilt and after the filing of a presentence
9 investigation report, the court may defer sentencing and place the respondent
10 on probation upon such terms and conditions as it may require if a written
11 agreement concerning the deferring of sentence is entered into between the
12 ~~state’s attorney~~ State’s Attorney and the respondent and filed with the clerk of
13 the court.

14 (b) Notwithstanding subsection (a) of this section, the court may defer
15 sentencing and place the respondent on probation without a written agreement
16 between the ~~state’s attorney~~ State’s Attorney and the respondent if the
17 following conditions are met:

18 (1)(A) the respondent is 28 years ~~old~~ of age or younger; or

19 (B) the respondent is 29 years of age or older and has not previously
20 been convicted of a crime;

1 (2) the crime for which the respondent is being sentenced is not a listed
2 crime as defined in subdivision 5301(7) of this title;

3 (3) the court orders, unless waived by the State's Attorney:

4 (A) a presentence investigation in accordance with the procedures set
5 forth in Rule 32 of the Vermont Rules of Criminal Procedure, unless the state's
6 attorney agrees to waive the presentence investigation; or

7 (B) an abbreviated presentence investigation in a form approved by
8 the Commissioner of Corrections;

9 (4) the court permits the victim to submit a written or oral statement
10 concerning the consideration of deferment of sentence;

11 (5) the court reviews the presentence investigation and the victim's
12 impact statement with the parties; and

13 (6) the court determines that deferring sentence is in the interest of
14 justice.

15 (c) Notwithstanding subsections (a) and (b) of this section, the court may
16 not defer a sentence for a violation of section 3253a (aggravated sexual assault
17 of a child), section 2602 (lewd and lascivious conduct with a child unless the
18 victim and the defendant were within five years of age and the act was
19 consensual), 3252(c) (sexual assault of a child under 16 years of age unless the
20 victim and the defendant were within five years of age and the act was

1 consensual), 3252(d) or (e) (sexual assault of a child), 3253(a)(8) (aggravated
2 sexual assault), or 3253a (aggravated sexual assault of a child) of this title.

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4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.

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12 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE