

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18 (1) ~~the respondent is 28 years old or younger;~~ [Repealed.]

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

1 (3) the court orders a presentence investigation in accordance with the
2 procedures set forth in Rule 32 of the Vermont Rules of Criminal Procedure,
3 unless the ~~state's attorney~~ State's Attorney agrees to waive the presentence
4 investigation;

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

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

9 (6) the court determines that deferring sentence is in the interest of
10 justice.

11 (c) Notwithstanding subsections (a) and (b) of this section, the court may
12 not defer a sentence for a violation of section 3253a (aggravated sexual assault
13 of a child), section 2602 (lewd and lascivious conduct with a child unless the
14 victim and the defendant were within five years of age and the act was
15 consensual), 3252(c) (sexual assault of a child under 16 years of age unless the
16 victim and the defendant were within five years of age and the act was
17 consensual), 3252(d) or (e) (sexual assault of a child), 3253(a)(8) (aggravated
18 sexual assault), or 3253a (aggravated sexual assault of a child) of this title.

19 * * *

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on passage.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE