

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 167
3 entitled “An act relating to establishing drug possession thresholds to
4 distinguish misdemeanor and felony crimes” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. LEGISLATIVE FINDINGS

8 The General Assembly finds:

9 (1) According to Michael Botticelli, former Director of the Office of
10 National Drug Control Policy, the National Drug Control Strategy
11 recommends treating “addiction as a public health issue, not a crime.” Further,
12 the strategy “rejects the notion that we can arrest and incarcerate our way out
13 of the nation’s drug problem.”

14 (2) Vermont Chief Justice Paul Reiber has declared that “the classic
15 approach of ‘tough on crime’ is not working in [the] area of drug policy” and
16 that treatment-based models are proving to be a more effective approach for
17 dealing with crime associated with substance abuse.

18 (3) A felony conviction record is a significant impediment to gaining
19 and maintaining employment and housing, yet we know that stable
20 employment and housing are an essential element to recovery from substance
21 abuse and desistance of criminal activity that often accompanies addiction.

1 (4) In a 2014 study by the PEW Research Center, 67 percent of people
2 polled said government should focus more on providing treatment to people
3 who use illicit drugs and less on punishment. The Center later reported that
4 states are leading the way in reforming drug laws to reflect this opinion: State-
5 level actions have included lowering penalties for possession and use of illegal
6 drugs, shortening mandatory minimums or curbing their applicability,
7 removing automatic sentence enhancements, and establishing or extending the
8 jurisdiction of drug courts and other alternatives to the regular criminal justice
9 system.

10 (5) Vermont must look at alternative approaches to the traditional
11 criminal justice model for addressing low-level illicit drug use if it is going to
12 reduce the effects of addiction and addiction-related crime in this State.

13 Sec. 2. STUDY

14 (a) The Office of Legislative Council shall examine the issue of a public
15 health approach to low-level possession and use of illicit drugs in Vermont as
16 an alternative to the traditional criminal justice model, looking to trends both
17 nationally and internationally, with a goal of providing policymakers a range
18 of approaches to consider during the 2018 legislative session.

19 (b) The Office of Legislative Council shall report its findings to the
20 General Assembly on or before November 15, 2017.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2017.

3 and that after passage the title of the bill be amended to read: “An act relating
4 to alternative approaches to addressing low-level illicit drug use”

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11 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE