

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 563  
3 entitled “An act relating to repealing the crimes of vagrancy” respectfully  
4 reports that it has considered the same and recommends that the Senate  
5 propose to the House that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds:

9 (1) At common law, a vagrant is someone who refuses to work or goes  
10 about begging. Throughout the 19th and 20th centuries, Vermont and most  
11 other states criminalized this status. An 1864 Vermont statute focused on a  
12 “person, who, having his face painted, discolored, covered, or concealed, or  
13 being otherwise disguised in a manner calculated to prevent him from being  
14 identified and his true character discovered.” Other versions of the law  
15 targeted persons who were “unable to give a good account of themselves.”

16 (2) Vermont’s vagrancy laws are very likely unconstitutional. Similar  
17 laws in other states have been struck down by the courts for vagueness and  
18 overbreadth, for failure to provide fair notice of what conduct is forbidden, and  
19 for encouraging arbitrary and erratic arrests.

20 (3) Vermont’s vagrancy laws criminalize a person’s status as someone  
21 who “roves from place to place and [lives] without visible means of

1     support...” Any conduct prohibited in the vagrancy chapter is covered by  
2     other statutes in current law such as disorderly conduct, trespass, and assault.

3     Sec. 2. REPEAL

4         13 V.S.A. chapter 83 (Vagrants) is repealed.

5     Sec. 3. EFFECTIVE DATE

6         This act shall take effect on July 1, 2018.

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15         (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE