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S.222

Senator Sears moves that the bill be amended as follows:

First: By striking Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. 12 V.S.A. § 3292 is amended to read:

§ 3292. RECORDING BY TOWN OR ~~COUNTY~~ SUPERIOR CLERK

When a copy of a writ of attachment, on which real estate is attached, is lodged in the office of a town or Superior clerk, such clerk shall enter in a book to be kept for that purpose the names of the parties, the date of the writ, the time when and the court to which the same is returnable, the nature of the action, the sum demanded, and the officer's return thereon.

Second: By striking Sec. 11 in its entirety and inserting in lieu thereof new Secs. 11, 12, 13, 14, and 15 to read as follows:

Sec. 11. 3 V.S.A. § 164 is amended to read:

§ 164. ADULT COURT DIVERSION PROGRAM

* * *

(g)(1) Within 30 days of the two-year anniversary of a successful completion of adult diversion, the court shall provide notice to all parties of record of the court's intention to order the ~~sealing~~ expungement of all court files and records, law enforcement records other than entries in the adult court diversion program's centralized filing system, fingerprints, and photographs

1 applicable to the proceeding. The court shall give the State’s Attorney an
2 opportunity for a hearing to contest the ~~sealing~~ expungement of the records.

3 The court shall ~~seal~~ expunge the records if it finds:

4 ~~(1)~~(A) two years have elapsed since the successful completion of the
5 adult diversion program by the participant and the dismissal of the case by the
6 State’s Attorney;

7 ~~(2)~~(B) the participant has not been convicted of a subsequent felony
8 or misdemeanor during the two-year period, and no proceedings are pending
9 seeking such conviction; and

10 ~~(3)~~(C) rehabilitation of the participant has been attained to the
11 satisfaction of the court.

12 (2) The court may expunge any records that were sealed pursuant to this
13 subsection prior to July 1, 2018 unless the State’s Attorney’s office that
14 prosecuted the case objects. 30 days prior to expunging a record pursuant to
15 this subdivision, the court shall provide written notice of its intent to expunge
16 the record to the State’s Attorney’s office that prosecuted the case.

17 * * *

18 Sec. 12. 13 V.S.A. § 15 is added to read:

19 § 15. USE OF VIDEO

20 Proceedings governed by V.R.Cr.P. 5, V.R.Cr.P. 10, and chapter 229 of
21 Title 13 shall be in person and on the record, and shall not be performed by

1 video conferencing or other electronic means until the Attorney General, the
2 Defender General, the Chief Superior Judge, and the Executive Director of the
3 Department of Sheriffs and State’s Attorneys execute a joint certification that
4 the video conferencing program in use by the court for the proceeding
5 adequately ensures attorney-client confidentiality.

6 Sec. 13. 13 V.S.A. § 2301 is amended to read:

7 § 2301. MURDER-DEGREES DEFINED

8 Murder committed by means of poison, or by lying in wait, or by wilful,
9 deliberate and premeditated killing, or committed in perpetrating or attempting
10 to perpetrate arson, sexual assault, aggravated sexual assault, kidnapping,
11 robbery or burglary, shall be murder in the first degree. All other kinds of
12 murder shall be murder in the second degree.

13 Sec. 14. 13 V.S.A. § 7554b is amended to read:

14 § 7554B. HOME DETENTION PROGRAM

15 * * *

16 (e) Eligibility. A defendant who has been charged with a violation of
17 Chapter 53 of Title 13 (homicide) shall not be eligible for home detention.

18 Sec. 15. EFFECTIVE DATE

19 This act shall take effect on passage.

20

1 and that after passage the title of the bill be amended to read: “An act relating
2 to miscellaneous judiciary procedures”

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