

1 S.222

2 Senator Sears moves that the bill be amended as follows:

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

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

6 § 3292. RECORDING BY TOWN OR ~~COUNTY~~ SUPERIOR CLERK

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

12 Second: By striking Sec. 11 in its entirety and inserting in lieu thereof new  
13 Secs. 11, 12, 13, 14, 15 and 16 to read as follows:

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

15 § 164. ADULT COURT DIVERSION PROGRAM

16 \* \* \*

17 (g)(1) Within 30 days of the two-year anniversary of a successful  
18 completion of adult diversion, the court shall provide notice to all parties of  
19 record of the court's intention to order the ~~sealing~~ expungement of all court  
20 files and records, law enforcement records other than entries in the adult court  
21 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. ARRAIGNMENT; USE OF VIDEO

20 Arraignments of criminal defendants shall be in person and on the record,  
21 and shall not be performed by video conferencing or other electronic means,

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

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

6 § 2301. MURDER-DEGREES DEFINED

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

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

13 § 7554B. HOME DETENTION PROGRAM

14 \* \* \*

15 (e) Eligibility. A defendant held without bail under section 7553 of this title  
16 (release in cases punishable by life imprisonment) shall not be eligible for  
17 home detention.

1       Sec. 15. 29 V.S.A. § 11 is added to read:

2       § 11. THERAPY DOGS IN STATE BUILDINGS

3           (a) Therapy dogs shall be permitted in a state building or facility if a  
4       victim’s advocate determines that the dog’s presence in the building or facility  
5       may be beneficial to a crime victim.

6           (b) As used in this section, “state building or facility” shall have the same  
7       meaning as in section 42 of this title.

8       Sec. 16. EFFECTIVE DATE

9           This act shall take effect on passage.

10

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

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