

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 7
3 entitled “An act relating to deferred sentences and the sex offender registry”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 5401 is amended to read:

8 § 5401. DEFINITIONS

9 As used in this subchapter:

10 * * *

11 (15)(A) “Conviction” means a judgment of guilt following a verdict or
12 finding of guilt, a plea of guilty, a plea of nolo contendere, an Alford Plea, or a
13 judgment of guilt pursuant to a deferred sentence.

14 (B) A sex offender whose sentence is deferred shall have no duty to
15 register ~~after successful completion of the terms of the deferred sentence~~
16 ~~agreement for the duration specified in the agreement~~ unless:

17 (i) the offender violates the terms of the deferred sentence
18 agreement and is sentenced on the conviction, in which case the offender’s
19 name shall remain on the registry for the period of time required by subsection
20 5407(e) or (f) of this title; or

21 (ii) the court finds that the interests of justice warrant placing the
22 offender’s name on the registry during the period when the sentence is

1 deferred, in which case the offender’s name shall be removed from the registry
2 upon his or her successful completion of the deferred sentence agreement.

3 * * *

4 Sec. 2. 13 V.S.A. § 5411a is amended to read:

5 § 5411A. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

6 * * *

7 (e) Information regarding a sex offender shall not be posted electronically
8 if the conduct that is the basis for the offense is criminal only because of the
9 age of the victim and the perpetrator is within 38 months of age of the victim.

10 (f) Information regarding a sex offender shall not be posted electronically
11 prior to the offender reaching the age of 18, but such information shall be
12 otherwise available pursuant to section 5411 of this title.

13 * * *

14 (m) Information regarding a sex offender whose sentence is deferred shall
15 not be posted electronically unless the offender violates the terms of the
16 deferred sentence agreement and is sentenced on the conviction.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.

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22 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE