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H.512

Introduced by Committee on Judiciary

Date:

Subject: Judiciary; minor and technical amendments

Statement of purpose of bill as introduced: This bill proposes a number of miscellaneous amendments to statutes related to the courts and the Judiciary.

An act relating to miscellaneous court and Judiciary related amendments

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 12 V.S.A. § 5 is amended to read:~~

~~§ 5. DISSEMINATION OF ELECTRONIC CASE RECORDS~~

~~(a) The Court shall not permit public access via the Internet to criminal, or family, or probate case records. The Court may permit criminal justice agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case records for criminal justice purposes, as defined in section 2056a.~~

~~* * *~~

~~Sec. 2. 12 V.S.A. § 5169 is amended to read:~~

~~§ 5169. JUDGMENT FOR PLAINTIFF; COMMISSIONERS; WAIVER~~

~~(a) When the issue is determined in favor of the plaintiff, or of the person interested defaults, the court shall render judgment that partition be made and appoint three disinterested residents of the county as commissioners. The~~

1 ~~commissioners shall make partition of the estate and set off each share of the~~
2 several persons interested, according to their respective titles, and shall award
3 to the plaintiff reasonable costs against the adverse party.

4 (b) Notwithstanding subsection (a) of this section, the parties may, with the
5 approval of the court, waive the use of commissioners and have all matters
6 decided by the court at a bench trial.

7 Sec. 3. 14 V.S.A. § 107 is amended to read:

8 § 107. ALLOWANCE OF WILL; CUSTODY OF PROPERTY

9 * * *

10 (b) Objections to allowance of the will must be filed in writing not less
11 than ~~three business~~ seven days prior to the hearing. In the event that no timely
12 objections are filed, the will may be allowed without hearing if it meets criteria
13 set out in section 108 of this title.

14 * * *

15 Sec. 4. 15 V.S.A. § 293(b) is amended to read:

16 (b) Any legal presumption of parentage as set forth in ~~section 308 of this~~
17 ~~title~~ 15C V.S.A. § 401 shall be sufficient basis for initiating a support action
18 under this section without any further proceedings to establish parentage. If a
19 party raises an objection to the presumption, the court may determine the issue
20 of parentage as part of the support action. If no written objection to the
21 presumption is raised, an order under this section shall constitute a judgment
22 ~~on the issue of parentage.~~

1 ~~Sec. 5. 15A V.S.A. § 1-110 is amended to read:~~

2 § 1-110. NOTICE OF INTENT TO RETAIN PARENTAL RIGHTS

3 * * *

4 (b) Each probate division of the superior court shall ~~forward~~ maintain a
5 notice filed with that court under subsection (a) of this section, ~~to the probate~~
6 ~~division of the superior court in the district of Chittenden,~~ within an electronic
7 database ~~which that~~ shall serve as a central repository for all such notices.

8 Sec. 6. 33 V.S.A. § 4921 is amended to read:

9 § 4921. DEPARTMENT'S RECORDS OF ABUSE AND NEGLECT

10 * * *

11 (d) Upon request, Department records created under this subchapter shall
12 be disclosed to:

13 (1) the Court, parties to the juvenile proceeding, and the child's
14 guardian-ad-litem court-appointed special advocate if there is a pending
15 juvenile proceeding or if the child is in the custody of the Commissioner;

16 * * *

17 Sec. 7. 33 V.S.A. § 5110 is amended to read:

18 § 5110. CONDUCT OF HEARINGS

19 * * *

20 (c) There shall be no publicity given by any person to any proceedings

21 ~~under the authority of the juvenile judicial proceedings chapters except with~~

1 ~~the consent of the child, the child's guardian ad litem, court appointed special~~
2 advocate, and the child's parent, guardian, or custodian. A person who
3 violates this provision may be subject to contempt proceedings pursuant to
4 Rule 16 of the Vermont Rules for Family Proceedings.

5 Sec. 8. 33 V.S.A. § 5112 is amended to read:

6 § 5112. ATTORNEY AND GUARDIAN AD LITEM COURT-APPOINTED
7 SPECIAL ADVOCATE FOR CHILD

8 (a) The court shall appoint an attorney for a child who is a party to a
9 proceeding brought under the juvenile judicial proceedings chapters.

10 (b) The court shall appoint a ~~guardian ad litem~~ court-appointed special
11 advocate for a child under 18 years of age who is a party to a proceeding
12 brought under the juvenile judicial proceedings chapters. In a delinquency
13 proceeding, a parent, guardian, or custodian of the child may serve as a
14 ~~guardian ad litem~~ court appointed special advocate for the child, providing his
15 or her interests do not conflict with the interests of the child. The ~~guardian ad~~
16 ~~litem~~ court-appointed special advocate appointed under this section shall not
17 be a party to that proceeding or an employee or representative of such party.

18 Sec. 9. 33 V.S.A. § 5117 is amended to read:

19 § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

20 * * *

21 (b)(1) Notwithstanding the foregoing, inspection of such records and files
22 by the following is not prohibited:

23

1 ~~(D) court personnel, the State's Attorney or other prosecutor~~
2 authorized to prosecute criminal or juvenile cases under State law, the child's
3 guardian, ad litem court-appointed special advocate, the attorneys for the
4 parties, probation officers, and law enforcement officers who are actively
5 participating in criminal or juvenile proceedings involving the child;

6 (E) the child who is the subject of the proceeding, the child's parents,
7 guardian, custodian, and ~~guardian ad litem~~ court-appointed special advocate
8 may inspect such records and files upon approval of the Family Court judge;

9 * * *

10 (c)(1) Upon motion of a party in a divorce or parentage proceeding related
11 to parental rights and responsibilities for a child or parent-child contact, the
12 Court may order that Court records in a juvenile proceeding involving the
13 same child or children be released to the parties in the divorce proceeding.

14 (2) Upon the court's own motion in a probate proceeding involving
15 adoption, guardianship, or termination of parental rights, the court may order
16 that court records in a juvenile proceeding involving the same child or children
17 be released to the Probate Division. When the court orders release of records
18 pursuant to this subdivision, the court shall notify the parties that it intends to
19 consider confidential juvenile case information and shall provide the parties
20 with access to the information in a manner that preserves its confidentiality.

1 ~~(3) Files inspected under this subsection shall be marked: UNLAWFUL~~
2 DISSEMINATION OF THIS INFORMATION IS A CRIME PUNISHABLE
3 BY A FINE OF UP TO \$2,000.00. The public shall not have access to records
4 from a juvenile proceeding that are filed with the Court or admitted into
5 evidence in the divorce or parentage proceeding or in the probate proceeding.

6 * * *

7 Sec. 10. 33 V.S.A. § 5119 is amended to read:

8 § 5119. SEALING OF RECORDS

9 * * *

10 (h)(1) In matters relating to a person who was charged with a criminal
11 offense or was the subject of a delinquency petition on or after July 1, 2006,
12 and prior to the person attaining the age of majority, the files and records of
13 the Court applicable to the proceeding shall be sealed immediately if the case
14 is dismissed.

15 * * *

16 Sec. 11. 33 V.S.A. § 5124 is amended to read:

17 § 5124. POSTADOPTION CONTACT AGREEMENTS

18 * * *

19 (b) The court shall approve the postadoption contact agreement if:

20 (1)(A) it determines that the child's best interests will be served by
21 postadoption communication or contact with either or both parents; and

22 ~~(B) in making a best interests determination, it may consider.~~

1 * * *

2 (ix) the recommendation of any ~~guardian ad litem~~ court-appointed
3 special advocate;

4 * * *

5 (2) it has reviewed and made each of the following a part of the court
6 record:

7 * * *

8 (D) an agreement to the postadoption contact or communication in
9 writing from the Department, the ~~guardian ad litem~~ court-appointed special
10 advocate, and the attorney for the child.

11 * * *

12 Sec. 12. 33 V.S.A. § 5225 is amended to read:

13 § 5225. PRELIMINARY HEARING; RISK ASSESSMENT

14 * * *

15 (d) ~~Guardian ad litem~~ Court-appointed special advocate. At the preliminary
16 hearing, the court shall appoint a ~~guardian ad litem~~ special advocate for the
17 child. The ~~guardian ad litem~~ court-appointed special advocate may be the
18 child's parent, guardian, or custodian. On its own motion or motion by the
19 child's attorney, the court may appoint a ~~guardian ad litem~~ special advocate
20 other than a parent, guardian, or custodian.

21 (e) Admission; denial. At the preliminary hearing, a denial shall be entered
22 ~~to the allegations of the petition, unless the juvenile, after adequate~~

1 ~~ultation with the guardian ad litem, court-appointed special advocate and~~
2 counsel, enters an admission. If the juvenile enters an admission, the
3 disposition case plan required by section 5230 of this title may be waived and
4 the court may proceed directly to disposition, provided that the juvenile, the
5 custodial parent, the State's Attorney, the ~~guardian ad litem~~ court-appointed
6 special advocate, and the Department agree.

7 * * *

8 Sec. 13. 33 V.S.A. § 5254 is amended to read:

9 § 5254. NOTICE OF EMERGENCY CARE ORDER AND TEMPORARY
10 CARE HEARING

11 * * *

12 (c) Notice to other parties. The Court shall notify the following persons of
13 the date and time of the temporary care hearing:

14 * * *

15 (4) A ~~guardian ad litem~~ court-appointed special advocate for the child.

16 * * *

17 Sec. 14. 33 V.S.A. § 5257 is amended to read:

18 § 5257. FILING OF INITIAL CASE PLAN

19 (a) If a temporary care order is issued granting custody to the
20 Commissioner, the Department shall prepare and file with the Court an initial
21 case plan for the child and the family within 60 days of the child's removal
22 ~~from the home. The Department shall provide a copy of the case plan to the~~

1 ~~parties, their attorneys, and the guardian ad litem court appointed special~~
2 ~~advocate.~~

3 * * *

4 Sec. 15. 33 V.S.A. § 5282 is amended to read:

5 § 5282. REPORT FROM THE DEPARTMENT

6 * * *

7 (c) A report filed pursuant to this section is privileged and shall not be
8 disclosed to any person other than:

9 * * *

10 (4) the youth, the youth's attorney, and the youth's ~~guardian ad litem~~
11 court-appointed special advocate;

12 * * *

13 Sec. 16. 33 V.S.A. § 5306 is amended to read:

14 § 5306. NOTICE OF EMERGENCY CARE ORDER AND TEMPORARY
15 CARE HEARING

16 * * *

17 (d) Notice to other parties. The Court shall notify the following persons of
18 the date and time of the temporary care hearing:

19 * * *

20 (4) A ~~guardian ad litem~~ court-appointed special advocate for the child.

21 * * *

22 ~~Sec. 17. 33 V.S.A. § 5307 is amended to read.~~

1 ~~§ 5307. TEMPORARY CARE HEARING~~

2 * * *

3 (c) The following persons shall be present at the temporary care hearing:

4 * * *

5 (3) The child's ~~guardian ad litem~~ court-appointed special advocate.

6 * * *

7 Sec. 18. 33 V.S.A. § 5314 is amended to read:

8 § 5314. FILING OF INITIAL CASE PLAN

9 (a) If a temporary care order is issued transferring legal custody of the
10 child to the Commissioner, the Department shall prepare and file with the
11 Court an initial case plan for the child and the family within 60 days of
12 removal of a child from home. The Department shall provide a copy of the
13 case plan to the parties, their attorneys, and the ~~guardian ad litem~~ court-
14 appointed special advocate.

15 * * *

Sec. 18a. 15 V.S.A. § 752 is amended to read:

§ 752. MAINTENANCE

** * **

*(b) The maintenance order shall be in such amounts and for such periods
of time as the court deems just, after considering all relevant factors,
including:*

~~(1) the financial resources of the party seeking maintenance, the property apportioned to the party, the party's ability to meet his or her needs independently, and the extent to which a provision for support of a child living with the party contains a sum for that party as custodian;~~

~~(2) the time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;~~

~~(3) the standard of living established during the civil marriage;~~

~~(4) the duration of the civil marriage;~~

~~(5) the age and the physical and emotional condition of each spouse;~~

~~(6) the ability of the spouse from whom maintenance is sought to meet his or her reasonable needs while meeting those of the spouse seeking maintenance;~~

~~(7) inflation with relation to the cost of living; and~~

~~(8) the following guidelines:~~

Length of marriage	% of the difference between parties' gross incomes	Duration of alimony award as % length of marriage
0 to <5 <u>≥</u>5 years	0-20 <u>16</u>%	No alimony or short-term alimony up to one year

5 to < \geq10 years	15-35 <u>12-20%</u>	20-50% (1-5 yrs)
10 to < \geq15 years	20-40 <u>16-33%</u>	40-60% (3-9 yrs)
15 to < \geq20 years	24-45 <u>20-37%</u>	40-70% (6-14 yrs)
20+ years	30-50 <u>24-41%</u>	45% (9-20+ yrs)

(8) the following guidelines:

<i>Length of marriage</i>	<i>% of the difference between parties' gross incomes</i>	<i>Duration of alimony award as % length of marriage</i>
<i>0 to <5 years</i>	<i>0-20 <u>16%</u></i>	<i>No alimony or short-term alimony up to one year</i>
<i>5 to <10 years</i>	<i>15-35 <u>12-29%</u></i>	<i>20-50% (1-5 yrs)</i>
<i>10 to <15 years</i>	<i>20-40 <u>16-33%</u></i>	<i>40-60% (3-9 yrs)</i>
<i>15 to <20 years</i>	<i>24-45 <u>20-37%</u></i>	<i>40-70% (6-14 yrs)</i>
<i>20+ years</i>	<i>30-50 <u>24-41%</u></i>	<i>45% (9-20+ yrs)</i>

1 Sec. 19. EFFECTIVE DATE

2 ~~This act shall take effect on July 1, 2019.~~

Sec. 1. 12 V.S.A. § 5 is amended to read:

§ 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

*(a) The Court shall not permit public access via the Internet to criminal, ~~or~~
family, or probate case records. The Court may permit criminal justice*

agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case records for criminal justice purposes, as defined in section 2056a.

* * *

Sec. 2. 12 V.S.A. § 5169 is amended to read:

§ 5169. JUDGMENT FOR PLAINTIFF; COMMISSIONERS; WAIVER

(a) When the issue is determined in favor of the plaintiff, or if the person interested defaults, the court shall render judgment that partition be made and appoint three disinterested residents of the county as commissioners. The commissioners shall make partition of the estate and set off each share of the several persons interested, according to their respective titles, and shall award to the plaintiff reasonable costs against the adverse party.

(b) Notwithstanding subsection (a) of this section, the parties may, with the approval of the court, waive the use of commissioners and have all matters decided by the court at a bench trial.

Sec. 3. 15A V.S.A. § 1-110 is amended to read:

§ 1-110. NOTICE OF INTENT TO RETAIN PARENTAL RIGHTS

* * *

(b) ~~Each probate division of the superior court~~ Probate Division of the Superior Court shall forward maintain a notice filed with that court under subsection (a) of this section, ~~to the probate division of the superior court in the district of Chittenden, which~~ within an electronic database that shall serve as a central repository for all such notices.

Sec. 4. 33 V.S.A. § 5117 is amended to read:

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

** * **

(c)(1) Upon motion of a party in a divorce or parentage proceeding related to parental rights and responsibilities for a child or parent-child contact, the ~~Court~~ court may order that ~~Court~~ court records in a juvenile proceeding involving the same child or children be released to the parties in the divorce proceeding.

(2) Upon the court's own motion in a probate proceeding involving adoption, guardianship, or termination of parental rights, the court may order that court records in a juvenile proceeding involving the same child or children be released to the Probate Division. When the court orders release of records pursuant to this subdivision, the court shall notify the parties that it intends to consider confidential juvenile case information and shall provide the parties with access to the information in a manner that preserves its confidentiality.

(3) Files inspected under this subsection shall be marked: UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A CRIME PUNISHABLE BY A FINE OF UP TO \$2,000.00. The public shall not have access to records from a juvenile proceeding that are filed with the ~~Court~~ court or admitted into evidence in the divorce or parentage proceeding or in the probate proceeding.

** * **

Sec. 5. 33 V.S.A. § 5119 is amended to read:

§ 5119. SEALING OF RECORDS

** * **

(h)(1) In matters relating to a person who was charged with a criminal offense or was the subject of a delinquency petition on or after July 1, 2006, and prior to the person attaining the age of majority, the files and records of the ~~Court~~ court applicable to the proceeding shall be sealed immediately if the case is dismissed.

** * **

Sec. 6. 15 V.S.A. § 752 is amended to read:

§ 752. MAINTENANCE

(a) In an action under this chapter, the court may order either spouse to make maintenance payments, either rehabilitative or ~~permanent~~ long term in nature, to the other spouse if it finds that the spouse seeking maintenance:

(1) lacks sufficient income or property, or both, including property apportioned in accordance with section 751 of this title, to provide for his or her reasonable needs; and

(2) is unable to support himself or herself through appropriate employment at the standard of living established during the civil marriage or is the custodian of a child of the parties.

(b) The maintenance order shall be in such amounts and for such periods of time as the court deems just, after considering all relevant factors,

including:

(1) the financial resources of the party seeking maintenance, the property apportioned to the party, the party's ability to meet his or her needs independently, and the extent to which a provision for support of a child living with the party contains a sum for that party as custodian;

(2) the time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;

(3) the standard of living established during the civil marriage;

(4) the duration of the civil marriage;

(5) the age and the physical and emotional condition of each spouse;

(6) the ability of the spouse from whom maintenance is sought to meet his or her reasonable needs while meeting those of the spouse seeking maintenance;

(7) inflation with relation to the cost of living; and

(8) the impact of both parties reaching the age of eligibility to receive full retirement benefits under Title II of the federal Social Security Act or the parties' actual retirement, including any expected discrepancies in federal Social Security Retirement benefits; and

(8)(9) the following guidelines:

Length of marriage % of the difference Duration of alimony award

	<i>between parties'</i>	<i>as % length of marriage</i>
	<i>gross incomes</i>	
<i>0 to <5 years</i>	<i>0-20 <u>16%</u></i>	<i>No alimony</i>
		<i>or short-term alimony</i>
		<i>up to one year</i>
<i>5 to <10 years</i>	<i>15-35 <u>12-29%</u></i>	<i>20-50% (1-5 yrs)</i>
<i>10 to <15 years</i>	<i>20-40 <u>16-33%</u></i>	<i>40-60% (34-9 yrs)</i>
<i>15 to <20 years</i>	<i>24-45 <u>20-37%</u></i>	<i>40-70% (6-14 yrs)</i>
<i>20+ years</i>	<i>30-50 <u>24-41%</u></i>	<i>45% (9-20+ yrs)</i>

Sec. 7. Vermont Rule of Criminal Procedure 3(k) is amended to read:

(k) Temporary Release. ~~Either a~~ A law enforcement officer arresting a person ~~or the prosecuting attorney~~ shall contact a judicial officer for determination of temporary release pursuant to Rule 5(b) of these rules without unnecessary delay. The law enforcement officer ~~or prosecuting attorney~~ shall provide the judicial officer with an affidavit or sworn statement as required by Rule 4(a) of these rules, and information upon which the determination as to temporary release may be made. The affidavit or sworn statement must indicate the ~~charge(s) the prosecuting attorney intends to file crimes to be charged by the arresting officer.~~

Sec. 8. 18 V.S.A. § 4472 is amended to read:

§ 4472. DEFINITIONS

As used in this subchapter:

* * *

(14) “Possession limit” means the amount of marijuana collectively possessed between the registered patient and the patient’s registered caregiver that is ~~no~~ not more than two mature marijuana plants, seven immature plants, and two ounces of usable marijuana. Any marijuana harvested from the plants shall not count toward the two-ounce possession limit, provided it is stored in an indoor facility on the property where the marijuana was cultivated and reasonable precautions are taken to prevent unauthorized access to the marijuana.

* * *

Sec. 9. 18 V.S.A. § 4474c is amended to read:

§ 4474c. PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS

REGARDING THE USE OF MARIJUANA FOR SYMPTOM

RELIEF

* * *

~~(c) A registered patient or registered caregiver who elects to grow marijuana to be used for symptom relief by the patient may do so only if the marijuana is cultivated in a single, secure indoor facility~~ Personal cultivation of marijuana by a patient or caregiver on behalf of a patient shall only occur:

(1) on property lawfully in possession of the cultivator or with the

written consent of the person in lawful possession of the property; and

(2) in an enclosure that is screened from public view and is secure so that access is limited to the cultivator and persons 21 years of age or older who have permission from the cultivator.

* * *

Sec. 10. 18 V.S.A. § 4474n is added to read:

§ 4474n. USE OF U.S. FOOD AND DRUG ADMINISTRATION-
APPROVED DRUGS CONTAINING ONE OR MORE
CANNABINOIDS

(a) Upon approval by the U.S. Food and Drug Administration (FDA) of one or more prescription drugs containing one or more cannabinoids, the following activities shall be lawful in Vermont:

(1) the clinically appropriate prescription for a patient of an FDA-approved prescription drug containing one or more cannabinoids by a health care provider licensed to prescribe medications in this State and acting within his or her authorized scope of practice;

(2) the dispensing, pursuant to a valid prescription, of an FDA-approved prescription drug containing one or more cannabinoids to a patient or a patient's authorized representative by a pharmacist or by another health care provider licensed to dispense medications in this State and acting within his or her authorized scope of practice;

(3) the possession and transportation of an FDA-approved prescription drug containing one or more cannabinoids by a patient to whom a valid prescription was issued or by the patient's authorized representative;

(4) the possession and transportation of an FDA-approved prescription drug containing one or more cannabinoids by a licensed pharmacy or wholesaler in order to facilitate the appropriate dispensing and use of the drug; and

(5) the use of an FDA-approved prescription drug containing one or more cannabinoids by a patient to whom a valid prescription was issued, provided the patient uses the drug only for legitimate medical purposes in conformity with instructions from the prescriber and dispenser.

(b) Upon approval by the U.S. Food and Drug Administration of one or more prescription drugs containing one or more cannabinoids, the Department of Health shall amend its rules to conform to the provisions of subsection (a) of this section.

Sec. 11. REPEAL

2017 Act and Resolves No. 62, Sec. 8 (use of U.S. Food and Drug Administration-approved drugs containing cannabidiol) is repealed.

Sec. 12. 32 V.S.A. § 5894 is amended to read:

§ 5894. LIABILITY FOR FAILURE OR DELINQUENCY

* * *

(f) Violations from income derived from illegal activity. An individual, fiduciary, officer, or employee of any corporation or a partner or employee of any partnership who violates subsections (a)-(e) of this section based on income derived from illegal activity shall be imprisoned not more than three years or fined not more than \$10,000.00 or not more than \$100,000.00 if the violation was based on income derived from the unlawful sale of a regulated drug in violation of 18 VSA chapter 84, or both. The penalty provided in this subsection shall be in addition to any other civil or criminal penalties provided by law.

Sec. 13. TASK FORCE ON CAMPUS SEXUAL HARM; REPORT

(a) Creation. There is created the Task Force on Campus Sexual Harm to examine issues relating to responses to sexual harm, dating and intimate partner violence, and stalking on campuses of postsecondary educational institutions in Vermont.

(b) Membership. The Task Force shall be composed of the following 19 members:

(1) one current member of the House of Representatives, appointed by the Speaker of the House;

(2) one current member of the Senate, appointed by the Committee on Committees;

(3) two survivors of campus sexual assault, domestic violence, or

stalking incidents, appointed by Vermont Center for Crime Victim Services;

(4) the Executive Director of the Vermont Network Against Domestic and Sexual Violence or designee;

(5) one representative of a community-based sexual violence advocacy organization, appointed by the Vermont Network Against Domestic and Sexual Violence;

(6) three Title IX Coordinators, one employed and appointed by the University of Vermont, one employed and appointed by the Vermont State Colleges, and one employed by a Vermont independent postsecondary educational institution, appointed by the President of the Association of Vermont Independent Colleges;

(7) one campus health and wellness educator or sexual violence prevention educator working in a Vermont postsecondary educational institution, appointed by the Higher Education Subcommittee of the Prekindergarten–16 Council;

(8) one victim advocate working in a Vermont postsecondary educational institution, appointed by the Higher Education Subcommittee of the PreK–16 Council;

(9) two students who are members of campus groups representing traditionally marginalized communities, appointed by the Higher Education Subcommittee of the Prekindergarten–16 Council;

(10) one community-based restorative justice practitioner, appointed by the Community Justice Network of Vermont;

(11) one representative appointed by the Pride Center of Vermont;

(12) one representative appointed by the Vermont Office of the Defender General;

(13) one representative appointed by the Vermont Department of State's Attorneys and Sheriffs;

(14) one representative appointed by the Vermont Bar Association, with expertise in working with postsecondary educational institutions on the investigation and adjudication of sexual harassment and sexual assault allegations; and

(15) the Executive Director of the Vermont Human Rights Commission, or designee.

(c) Powers and duties. The Task Force shall study the following:

(1) The pathways for survivors of sexual harm in postsecondary educational institutional settings to seek healing and justice and recommendations to increase or enhance those pathways.

(2) Issues with Vermont's campus adjudication processes as identified by survivors of sexual harm, dating and intimate partner violence, or stalking in postsecondary educational institutional settings, including the interface between campus adjudication processes and law enforcement.

(3) Issues relating to transparency, safety, affordability, accountability of outcomes, and due process in campus conduct adjudication processes for sexual harm, dating and intimate partner violence, or stalking, including:

(A) current and best practices relating to outcomes conveyed through a student's transcript record;

(B) the effectiveness of acts passed in New York in 2015 to address campus sexual assault and in Virginia in 2015 to include a notation "on the transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct";

(C) the effectiveness of requiring that student transcript records note expulsions or suspensions in order to trigger follow-up conversations between the transferring and receiving schools; and

(D) consideration of concerns raised by the Association of Title IX Administrators with regard to transcript notation, in support of proposed federal legislation known as the Safe Transfer Act (H.R.6523, 114th Congress).

(4) How to improve survivor safety in campus adjudication processes.

(5) Any State policy changes that should be made in response to Title IX changes at the federal level.

(6) How to enhance ties between postsecondary educational institutions and community organizations that focus on domestic and sexual violence.

(d) Assistance. For purposes of scheduling meetings and preparing recommended legislation, the Task Force shall have the assistance of the Office of Legislative Council.

(e) Report. On or before March 15, 2020, the Task Force shall submit a written report to the House and Senate Committees on Education and Judiciary with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Executive Director of the Vermont Network Against Domestic and Sexual Violence or designee shall call the first meeting of the Task Force to occur on or before July 15, 2019.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Task Force shall cease to exist on March 16, 2020.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force serving in his or her capacity as a legislator shall be entitled to per diem compensation and

reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Other members of the Task Force who are not otherwise compensated for their service on the Task Force shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. 14. PROTECTION OF PROBATION AND PAROLE OFFICERS;

*AGENCY OF HUMAN SERVICES REPORT TO JOINT JUSTICE
OVERSIGHT COMMITTEE*

On or before December 15, 2019, the Secretary of Human Services, in consultation with the Vermont State Employees Association, shall report to the Joint Legislative Justice Oversight Committee, the Senate and House Committees on Judiciary, and the House Committee on Corrections and Institutions on best practices and standards for protecting probation and parole officers in the performance of their job duties. The report shall consider:

(1) development of a training and certification program to be administered by the Department of Corrections to enable probation and parole officers to implement and use defensive techniques, equipment, and measures

to protect themselves and the public from the risk of serious bodily injury or death;

(2) whether to impose one or more standard conditions of probation to protect the public; and

(3) best practices for the supervision of offenders by probation and parole officers without risk to the safety of themselves or the public.

*Sec. 14a. VERMONT SENTENCING COMMISSION; REPORT ON
JUVENILE JURISDICTION*

On or before December 15, 2019, the Vermont Sentencing Commission shall report to the Joint Justice Oversight Committee proposed alternatives, in light of 33 V.S.A. § 5204a, for providing the court with jurisdiction over cases where a person under 18 years of age commits a criminal offense that is not a listed crime under 13 V.S.A. § 5301(7) and is not charged with the offense until after turning 18 years of age.

Sec. 15. EFFECTIVE DATE; APPLICABILITY

(a) This act shall take effect on July 1, 2019.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 6, 15 V.S.A. § 752(b)(9) (maintenance guidelines), shall apply to actions filed on or after January 1, 2019.