

1 H.873

2 Introduced by Representatives Rachelson of Burlington and Gardner of

3 Richmond

4 Referred to Committee on

5 Date:

6 Subject: Crimes; sentencing; minors

7 Statement of purpose of bill as introduced: This bill proposes to require that
8 when a defendant who is under 18 years of age is sentenced for a crime, the
9 court must consider whether the child was subjected to any early childhood
10 trauma or adverse childhood experiences as potential mitigating factors and
11 allows the court to depart from any mandatory minimum sentence or penalty
12 enhancement if the court finds such mitigating factors exist.

13 An act relating to mitigating factors in sentencing a minor for a crime

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

15 Sec. 1. 13 V.S.A. § 7046 is amended to read:

16 § 7046. SENTENCING A PERSON UNDER 18 YEARS OF AGE;

17 MITIGATING FACTORS

18 (a) In sentencing a person who was under 18 years of age at the time of the
19 commission of the crime, the court shall consider whether the child was
20 subjected to any early childhood trauma or adverse childhood experiences.

1 (b) If the court finds mitigating circumstances as provided in subsection (a)
2 of this section, the court may deviate from any mandatory minimum sentence
3 or penalty enhancement otherwise required by law.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2020.