

1 S.105

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; criminal procedure; miscellaneous amendments

6 Statement of purpose of bill as introduced: This bill proposes to make a
7 number of miscellaneous amendments related to civil and criminal procedure
8 statutes.

9 An act relating to miscellaneous judiciary procedures

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

11 Sec. 1. 13 V.S.A. § 362 is amended to read:

12 § 362. EXPOSING POISON ON THE LAND

13 A person who deposits any poison or substance poisonous to animals on his
14 or her premises or on the ~~premise~~ premises or buildings of another, with the
15 intent that it be taken by an animal, shall be in violation of subdivision 352(2)
16 of this title. This section shall not apply to control of wild pests, protection of
17 crops from insects, mice, and plant diseases, or the Department of Fish and
18 Wildlife ~~and employees and agents of the State Forest Service~~ in control of
19 destructive wild animals.

1 Sec. 2. 13 V.S.A. § 397 is amended to read:

2 § 397. ADMINISTRATIVE PENALTY

3 In addition to the forfeiture of any award, premium, or trophy otherwise
4 due, and in addition to other penalties provided by law, a person violating this
5 chapter may be assessed an administrative penalty in an amount not to exceed
6 \$1,000.00 by the Secretary. The Secretary shall utilize the provisions of
7 6 V.S.A. §§ 16 and 17 for purposes of assessing the penalty.

8 Sec. 3. 13 V.S.A. § 508 is amended to read:

9 § 508. SETTING FIRES

10 A person who enters upon lands of another and sets a fire that causes
11 damage shall be imprisoned not more than 60 days nor less than 30 days, or
12 fined not more than \$100.00 nor less than \$10.00, or both. The provisions of
13 this section shall not affect the provisions of ~~sections~~ section 507 and 3906 of
14 this title.

15 Sec. 4. 13 V.S.A. § 1504 is amended to read:

16 § 1504. ~~PLACE OF CONFINEMENT CONSTRUED~~

17 ~~The words “place of confinement” as used in sections 1502 and 1503 of this~~
18 ~~title shall not be construed to include the Weeks School. [Repealed.]~~

19 Sec. 5. 13 V.S.A. § 2901 is amended to read:

20 § 2901. PUNISHMENT FOR PERJURY

21 A person who, being lawfully required to depose the truth in a proceeding
22 in a court of justice or in a contested case before a State agency pursuant to

1 3 V.S.A. chapter 25, commits perjury shall be imprisoned not more than
2 15 years ~~and~~ or fined not more than \$10,000.00, or both.

3 Sec. 6. 13 V.S.A. § 2535 is amended to read;

4 § 2535. GUARDIAN

5 A guardian who embezzles or fraudulently converts to his or her own use,
6 money, obligations, securities, or other effects or property belonging to the
7 ~~ward~~ person under guardianship or the estate of the ~~ward of whom he or she is~~
8 ~~guardian~~ person under guardianship, shall be guilty of larceny and shall be
9 imprisoned not more than 10 years or fined not more than \$1,000.00, or both.

10 Sec. 7. 13 V.S.A. § 3403 is amended to read:

11 § 3403. MISPRISION OF TREASON

12 A person owing allegiance to this State, knowing such treason to have been
13 committed, or knowing of the intent of a person to commit such treason, who
14 does not, within 14 days from the time of having such knowledge, give
15 information thereof to the Governor of the State, to one of the Justices of the
16 Supreme Court, a Superior ~~or District~~ judge, or a justice of the peace, shall be
17 guilty of misprision of treason and shall be imprisoned not more than 10 years
18 nor less than five years or fined not more than \$2,000.00, or both.

1 Sec. 8. 13 V.S.A. § 3485 is amended to read:

2 § 3485. PENALTY WHEN OFFENSE IS TREASON

3 A person who commits an offense punishable under one of sections ~~3481-~~
4 ~~3484~~ 3482-3485 of this title, and such offense amounts to treason, shall be
5 punished for treason in lieu of the penalty prescribed in such section.

6 Sec. 9. 13 V.S.A. § 5415 is amended to read:

7 § 5415. ENFORCEMENT; SPECIAL INVESTIGATION UNITS

8 (a) Special investigation units, created pursuant to 24 V.S.A. § 1940, shall
9 be responsible for the investigation of violations of this chapter's Registry
10 requirements and are authorized to conduct in-person Registry compliance
11 checks in a time, place, and manner it deems appropriate in furtherance of the
12 purposes of this chapter. This section shall not be construed to prohibit local
13 law enforcement from enforcing the provisions of this chapter.

14 (b) On or before November 1, 2019, and annually thereafter, local law
15 enforcement agencies shall report to the Vermont Crime Information Center
16 about any in-person Registry compliance checks that the agency has conducted
17 during the preceding 12 months. The report shall include the total number of
18 in-person compliance checks conducted during the 12-month period, the
19 number of offenders who were in compliance, the number of offenders who
20 were out of compliance, and the reasons for being out of compliance.

21 (c) ~~The department of public safety~~ Department of Public Safety shall
22 report to the Senate and House Committees on Judiciary on or before

1 December 15, 2009, and annually thereafter, regarding its efforts under this
2 section.

3 Sec. 10. 14 V.S.A. § 1203 is amended to read:

4 § 1203. LIMITATIONS ON PRESENTATION OF CLAIMS

5 (a) All claims against a decedent's estate ~~which~~ that arose before the death
6 of the decedent, including claims of the State and any subdivision thereof,
7 whether due or to become due, absolute or contingent, liquidated or
8 unliquidated, founded on contract, tort, or other legal basis, except claims for
9 the possession of or title to real estate and claims for injury to the person and
10 damage to property suffered by the act or default of the deceased, if not barred
11 earlier by other statute of limitations, are barred against the estate, the executor
12 or administrator, and the heirs and devisees of the decedent, unless presented
13 as follows:

14 (1) within four months after the date of the first publication of notice to
15 creditors if notice is given in compliance with the Rules of Probate Procedure;
16 provided, however, that claims barred by the nonclaim statute of the decedent's
17 domicile before the first publication for claims in this State are also barred in
18 this State;

19 * * *

20 Sec. 11. EFFECTIVE DATE

21 This act shall take effect on passage.