

1 Introduced by Committee on Judiciary  
2 Referred to Committee on  
3 Date:  
4 Subject: Judiciary; judicial bureau; pretrial hearing  
5 Statement of purpose of bill as introduced: This bill proposes to authorize the  
6 parties in a Judicial Bureau proceeding to hold a pretrial hearing prior to the  
7 hearing on the merits.

8 An act relating to Judicial Bureau procedures

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

10 Sec. 1. 4 V.S.A. § 1105 is amended to read:

11 § 1105. ANSWER TO COMPLAINT; DEFAULT

12 (a) A violation shall be charged upon a summons and complaint form  
13 approved and distributed by the Court Administrator. The complaint shall be  
14 signed by the issuing officer or by the State's Attorney. The original shall be  
15 filed with the Judicial Bureau; a copy shall be retained by the issuing officer or  
16 State's Attorney and two copies shall be given to the defendant. The Judicial  
17 Bureau may, consistent with rules adopted by the Supreme Court pursuant to  
18 12 V.S.A. § 1, accept electronic signatures on any document, including the  
19 signatures of issuing officers, State's Attorneys, and notaries public. The  
20 complaint shall include a statement of rights, instructions, notice that a

1 defendant may ~~admit, not contest, or deny a violation~~ request a hearing or  
2 accept the penalties without a hearing, notice of the fee for failure to answer  
3 within ~~20~~ 21 days, and other notices as the Court Administrator deems  
4 appropriate. The Court Administrator, in consultation with appropriate law  
5 enforcement agencies, may approve a single form for charging all violations,  
6 or may approve two or more forms as necessary to administer the operations of  
7 the Judicial Bureau.

8 (b) A person who is charged with a violation shall have ~~20~~ 21 days from the  
9 date the complaint is issued to ~~admit or deny the allegations or to state that he~~  
10 ~~or she does not contest the allegations in the complaint~~ request a hearing or  
11 state that he or she will accept the penalties without a hearing. The Judicial  
12 Bureau shall assess against a defendant a fee of \$20.00 for failure to answer a  
13 complaint within the time allowed. The fee shall be assessed in the default  
14 judgment and deposited in the Court Technology Special Fund established  
15 pursuant to section 27 of this title.

16 (c) A person who ~~admits or does not contest the allegations~~ accepts the  
17 penalties without a hearing may so indicate and sign the complaint. The  
18 Bureau shall accept the ~~admission or statement that the allegations are not~~  
19 ~~contested~~ and accept payment of the waiver penalty.

1 (d) If the person sends in the amount of the waiver penalty without signing  
2 the complaint, the Bureau shall accept the payment indicating that payment  
3 was made and that the allegations were not contested.

4 (e) A person who denies the allegations or desires a hearing on the  
5 complaint for any other reason may so indicate and sign the complaint. Upon  
6 receipt, the Bureau shall schedule a pretrial hearing.

7 \* \* \*

8 Sec. 2. 4 V.S.A. § 1106 is amended to read:

9 § 1106. HEARING

10 (a) The Bureau shall notify the person charged and the issuing officer of the  
11 time and place for the pretrial hearing and the hearing on the merits.

12 (b)(1) At the pretrial hearing the issuing officer may be represented by a  
13 delegate who shall have the authority to amend or dismiss complaints and to  
14 enter into plea agreements.

15 (2) The hearing on the merits shall be held before a hearing officer and  
16 conducted in an impartial manner. The hearing officer may, by subpoena,  
17 compel the attendance and testimony of witnesses and the production of books  
18 and records. All witnesses shall be sworn. The burden of proof shall be on the  
19 State or municipality to prove the allegations by clear and convincing  
20 evidence. As used in this section, “clear and convincing evidence” means  
21 evidence which establishes that the truth of the facts asserted is highly

1 probable. Certified copies of records supplied by the Department of Motor  
2 Vehicles or the Agency of Natural Resources and presented by the issuing  
3 officer or other person shall be admissible without testimony by a  
4 representative of the Department of Motor Vehicles or the Agency of Natural  
5 Resources.

6 \* \* \*

7 Sec. 3. 24 V.S.A. § 1981 is amended to read:

8 § 1981. ENFORCEMENT OF ORDER FROM JUDICIAL BUREAU

9 (a) Upon entry of a judgment ~~after hearing or entry of default by the hearing~~  
10 ~~officer~~, subject to any appeal pursuant to 4 V.S.A. § 1107, the person found in  
11 violation shall have up to 30 days to pay the penalty to the Judicial Bureau.  
12 Upon the expiration of the period to pay the penalty, the person found in  
13 violation shall be assessed a surcharge of \$10.00 for the benefit of the  
14 municipality. All the civil remedies for collection of judgments shall be  
15 available to enforce the final judgment of the Judicial Bureau.

16 \* \* \*

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on passage.