

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 512
3 entitled “An act relating to miscellaneous court and Judiciary related
4 amendments” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 § 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

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

14 * * *

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

16 § 5169. JUDGMENT FOR PLAINTIFF; COMMISSIONERS; WAIVER

17 (a) When the issue is determined in favor of the plaintiff, or if the person
18 interested defaults, the court shall render judgment that partition be made and
19 appoint three disinterested residents of the county as commissioners. The
20 commissioners shall make partition of the estate and set off each share of the

1 several persons interested, according to their respective titles, and shall award
2 to the plaintiff reasonable costs against the adverse party.

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

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

7 § 107. ALLOWANCE OF WILL; CUSTODY OF PROPERTY

8 * * *

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

13 * * *

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

15 § 1-110. NOTICE OF INTENT TO RETAIN PARENTAL RIGHTS

16 * * *

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

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

2 § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

3 * * *

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

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

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

20 * * *

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

1 § 5119. SEALING OF RECORDS

2 * * *

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

8 * * *

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

10 § 752. MAINTENANCE

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

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

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

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

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

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

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

9 (4) the duration of the civil marriage;

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

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

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

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

19 ~~(8)~~(9) the following guidelines:

20	Length of marriage	% of the difference	Duration of alimony award
21		between parties'	as % length of marriage

1		gross incomes	
2	0 to <5 years	0-20 <u>16%</u>	No alimony
3			or short-term alimony
4			up to one year
5	5 to <10 years	15-35 <u>12-29%</u>	20-50% (1-5 yrs)
6	10 to <15 years	20-40 <u>16-33%</u>	40-60% (34-9 yrs)
7	15 to <20 years	24-45 <u>20-37%</u>	40-70% (6-14 yrs)
8	20+ years	30-50 <u>24-41%</u>	45% (9-20+ yrs)

9 (c) In each order awarding maintenance, the court shall state whether and
10 how maintenance payments will be impacted by either party reaching the age
11 of eligibility to receive full retirement benefits under Title II of the federal
12 Social Security Act or the parties' actual retirement will impact payments.

13 Sec. 8. Vermont Rule f Criminal Procedure 3(k) is amended to read:

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

1 Sec. 7. 18 V.S.A. § 4472 is amended to read:

2 § 4472. DEFINITIONS

3 As used in this subchapter:

4 (1)~~(A)~~ “Bona fide health care professional-patient relationship” means a
5 treating or consulting relationship ~~of not less than three months’ duration,~~ in
6 the course of which a health care professional has completed a full assessment
7 of the registered patient’s medical history and current medical condition,
8 including a personal physical examination.

9 ~~(B) The three-month requirement shall not apply if:~~

10 ~~(i) a patient has been diagnosed with:~~

11 ~~(I) a terminal illness;~~

12 ~~(II) cancer; or~~

13 ~~(III) acquired immune deficiency syndrome;~~

14 ~~(ii) a patient is currently under hospice care;~~

15 ~~(iii) a patient had been diagnosed with a debilitating medical~~

16 ~~condition by a health care professional in another jurisdiction in which the~~

17 ~~patient had been formerly a resident and the patient, now a resident of~~

18 ~~Vermont, has the diagnosis confirmed by a health care professional in this~~

19 ~~State or a neighboring state as provided in subdivision (6) of this section, and~~

20 ~~the new health care professional has completed a full assessment of the~~

1 ~~patient's medical history and current medical condition, including a personal~~
2 ~~physical examination;~~

3 ~~(iv) a patient who is already on the Registry changes health care~~
4 ~~professionals three months or less prior to the annual renewal of the patient's~~
5 ~~registration, provided the patient's new health care professional has completed~~
6 ~~a full assessment of the patient's medical history and current medical~~
7 ~~condition, including a personal physical examination;~~

8 ~~(v) a patient is referred by his or her health care professional to~~
9 ~~another health care professional who has completed advanced education and~~
10 ~~clinical training in specific debilitating medical conditions, and that health care~~
11 ~~professional conducts a full assessment of the patient's medical history and~~
12 ~~current medical condition, including a personal physical examination; or~~

13 ~~(vi) a patient's debilitating medical condition is of recent or sudden~~
14 ~~onset.~~

15 * * *

16 (4) "Debilitating medical condition" means:

17 (A) cancer, multiple sclerosis, positive status for human
18 immunodeficiency virus, acquired immune deficiency syndrome, glaucoma,
19 Crohn's disease, Parkinson's disease, or the treatment of these conditions, if
20 the disease or the treatment results in severe, persistent, and intractable
21 symptoms;

1 (B) post-traumatic stress disorder, provided the Department confirms
2 the applicant is undergoing psychotherapy or counseling with a licensed
3 mental health care provider; or

4 (C) ~~a disease or medical condition or its treatment that is chronic,~~
5 ~~debilitating, and produces one or more of the following intractable symptoms:~~
6 ~~eachexia or wasting syndrome; chronic pain; severe nausea; or seizures~~ another
7 disease, condition, or treatment as determined in writing by a qualifying
8 patient's health care professional.

9 (5) "Dispensary" means a business organization registered under
10 section 4474e of this title that acquires, possesses, cultivates, manufactures,
11 transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused
12 products, and marijuana-related supplies and educational materials for or to a
13 registered patient ~~who has designated it as his or her center~~ and to his or her
14 registered caregiver for the registered patient's use for symptom relief.

15 A dispensary may serve patients and caregivers at not more than two locations,
16 as approved by the Department in consideration of factors provided in
17 subsection 4474f(e) of this title, and may cultivate and process marijuana at a
18 separate location from where patients and caregivers are served. All locations
19 shall be considered part of the same dispensary operation under one
20 registration.

21 * * *

1 (7)(A) “Health care professional” means an individual licensed to
2 practice medicine under 26 V.S.A. chapter 23 or 33, an individual licensed as a
3 naturopathic physician under 26 V.S.A. chapter 81, an individual certified as a
4 physician assistant under 26 V.S.A. chapter 31, or an individual licensed as an
5 advanced practice registered nurse under 26 V.S.A. chapter 28.

6 (B) This definition includes individuals who are professionally
7 licensed under substantially equivalent provisions in New Hampshire,
8 Massachusetts, or New York.

9 * * *

10 (11) “Mental health care provider” means a person licensed to practice
11 medicine who specializes in the practice of psychiatry; a psychologist, a
12 psychologist-doctorate, or a psychologist-master as defined in 26 V.S.A.
13 § 3001; a clinical social worker as defined in 26 V.S.A. § 3201; or a clinical
14 mental health counselor as defined in 26 V.S.A. § 3261.

15 * * *

16 (14) “Possession limit” means the amount of marijuana collectively
17 possessed between the registered patient and the patient’s registered caregiver
18 that is no more than ~~two~~ three mature marijuana plants, seven immature plants,
19 and ~~two~~ three ounces of usable marijuana. Any marijuana harvested from the
20 plants shall not count toward the three-ounce possession limit, provided it is
21 stored in an indoor facility on the property where the marijuana was cultivated

1 and reasonable precautions are taken to prevent unauthorized access to the
2 marijuana.

3 * * *

4 (17) “Registered patient” means a ~~resident of Vermont~~ person who has
5 been issued a registration card by the Department, identifying the person as
6 having a debilitating medical condition pursuant to the provisions of this
7 subchapter. ~~“Resident of Vermont” means a person whose domicile is~~
8 ~~Vermont.~~

9 (18) “Secure indoor facility” means a building or room equipped with
10 locks or other security devices that permit access only by a registered caregiver
11 or registered patient.

12 * * *

13 Sec. 8. 18 V.S.A. § 4473 is amended to read:

14 § 4473. REGISTERED PATIENTS; QUALIFICATION STANDARDS AND
15 PROCEDURES

16 * * *

17 (b) The Department of Public Safety shall review applications to become a
18 registered patient using the following procedures:

19 (1) A patient with a debilitating medical condition shall submit a signed
20 application for registration to the Department. If the patient is under 18 years
21 of age, the application must be signed by both the patient and a parent or

1 guardian. The application shall require identification and contact information
2 for the patient and the patient's registered caregiver applying for authorization
3 under section 4474 of this title, if any, ~~and the patient's designated dispensary~~
4 ~~under section 4474e of this title, if any.~~ The applicant shall attach to the
5 application a medical verification form developed by the Department pursuant
6 to subdivision (2) of this subsection.

7 * * *

8 (4) The Department shall approve or deny the application for
9 registration in writing within 30 days from receipt of a completed registration
10 application. If the application is approved, the Department shall issue the
11 applicant a registration card, which shall include the registered patient's name
12 and photograph, ~~the registered patient's designated dispensary, if any,~~ and a
13 unique identifier for law enforcement verification purposes under section
14 4474d of this title.

15 * * *

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

17 § 4474a. REGISTRATION; FEES

18 (a) The Department shall collect a fee of \$50.00 for the application
19 authorized by sections 4473 and 4474 of this title. The fees received by the
20 Department shall be deposited into a registration fee fund and used to offset the
21 costs of processing applications under this subchapter.

1 (b) A registration card shall expire one year after the date of issue, ~~with the~~
2 ~~option of renewal, provided the patient submits.~~ A patient may renew his or
3 her registration card as follows:

4 (1) A patient may submit a new application ~~which is approved by~~ to the
5 Department of Public Safety, pursuant to section 4473 or 4474 of this title, and
6 ~~pays~~ pay the fee required under subsection (a) of this section.

7 (2) If the medical verification form submitted by a patient pursuant to
8 subdivision 4473(b)(2) of this chapter states that the debilitating medical
9 condition is incurable, a patient who chooses to renew shall not be required to
10 submit a new application but shall be required to pay the fee required under
11 subsection (a) of this section.

12 Sec. 10. DEPARTMENT OF PUBLIC SAFETY

13 The Department of Public Safety shall amend the medical verification form
14 as necessary to implement Sec. 3 of this act.

15 Sec. 11. 18 V.S.A. § 4474c is amended to read:

16 § 4474c. PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS

17 REGARDING THE USE OF MARIJUANA FOR SYMPTOM

18 RELIEF

19 * * *

20 (c) ~~A registered patient or registered caregiver who elects to grow~~
21 ~~marijuana to be used for symptom relief by the patient may do so only if the~~

1 ~~marijuana is cultivated in a single, secure indoor facility~~ Personal cultivation of
2 marijuana by a patient or caregiver on behalf of a patient shall only occur:

3 (1) on property lawfully in possession of the cultivator or with the
4 written consent of the person in lawful possession of the property; and

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

8 * * *

9 Sec. 12. 18 V.S.A. § 4474e is amended to read:

10 § 4474e. DISPENSARIES; CONDITIONS OF OPERATION

11 (a) A dispensary registered under this section may:

12 (1) Acquire, possess, cultivate, manufacture, process, transfer, transport,
13 supply, sell, and dispense marijuana, marijuana-infused products, and
14 marijuana-related supplies and educational materials for or to a registered
15 patient ~~who has designated it as his or her dispensary~~ and to his or her
16 registered caregiver for the registered patient's use for symptom relief.

17 (A) Marijuana-infused products shall include tinctures, oils, solvents,
18 and edible or potable goods. Only the portion of any marijuana-infused
19 product that is attributable to marijuana shall count toward the possession
20 limits of the dispensary and the patient. The Department of Public Safety shall
21 establish by rule the appropriate method to establish the weight of marijuana

1 that is attributable to marijuana-infused products. A dispensary shall dispense
2 marijuana-infused products in child-resistant packaging as defined in 7 V.S.A.
3 § 1012.

4 (B) Marijuana-related supplies shall include pipes, vaporizers, and
5 other items classified as drug paraphernalia under chapter 89 of this title.

6 (2)(A) Acquire marijuana seeds or parts of the marijuana plant capable
7 of regeneration from or dispense them to registered patients or their caregivers
8 or acquire them from another registered Vermont dispensary, provided that
9 records are kept concerning the amount and the recipient.

10 (B) Acquire, purchase, or borrow marijuana, marijuana-infused
11 products, or services from another registered Vermont dispensary or give, sell,
12 or lend marijuana, marijuana-infused products, or services to another registered
13 Vermont dispensary, provided that records are kept concerning the product, the
14 amount, and the recipient. ~~Each Vermont dispensary is required to adhere to~~
15 ~~all possession limits pertaining to cultivation as determined by the number of~~
16 ~~patients designating that dispensary and may not transfer eligibility to another~~
17 ~~dispensary.~~

18 (3)(A) ~~Cultivate and possess at any one time up to 28 mature marijuana~~
19 ~~plants, 98 immature marijuana plants, and 28 ounces of usable marijuana.~~
20 ~~However, if a dispensary is designated by more than 14 registered patients, the~~
21 ~~dispensary may cultivate and possess at any one time two mature marijuana~~

1 ~~plants, seven immature plants, and four ounces of usable marijuana for every~~
2 ~~registered patient for which the dispensary serves as the designated dispensary.~~

3 ~~(B) Notwithstanding subdivision (A) of this subdivision, if a~~
4 ~~dispensary is designated by a registered patient under 18 years of age who~~
5 ~~qualifies for the registry because of seizures, the dispensary may apply to the~~
6 ~~Department for a waiver of the limits in subdivision (A) of this subdivision (3)~~
7 ~~if additional capacity is necessary to develop and provide an adequate supply~~
8 ~~of a product for symptom relief for the patient. The Department shall have~~
9 ~~discretion whether to grant a waiver and limit the possession amounts in excess~~
10 ~~of subdivision (A) of this subdivision (3) in accordance with rules adopted~~
11 ~~pursuant to section 4474d of this title.~~

12 (4) With approval from the Department and in accordance with patient
13 delivery protocols set forth in rule, transport and transfer marijuana to a
14 Vermont postsecondary academic institution for the purpose of research.

15 (5) Acquire, possess, manufacture, process, transfer, transport, market,
16 and test hemp provided by persons registered with the Secretary of
17 Agriculture, Food and Markets under 6 V.S.A. chapter 34 to grow or cultivate
18 hemp.

19 * * *

1 (k)(1) No dispensary or owner, principal, or financier of a dispensary shall:

2 (A) acquire, possess, cultivate, manufacture, transfer, transport,
3 supply, sell, or dispense marijuana for any purpose except to assist a registered
4 patient with the use of marijuana for symptom relief directly or through the
5 qualifying patient's designated caregiver;

6 (B) acquire usable marijuana or marijuana plants from any source
7 other than registered dispensary owners, principals, financiers, or employees
8 who cultivate marijuana in accordance with this subchapter;

9 (C) dispense more than ~~two~~ three ounces of usable marijuana to a
10 registered patient directly or through the qualifying patient's registered
11 caregiver during a 30-day period;

12 (D) dispense an amount of usable marijuana to a qualifying patient or
13 a designated caregiver that the owner, principal, financier, or employee knows
14 would cause the recipient to possess more marijuana than is permitted under
15 this subchapter;

16 (E) dispense marijuana to a person other than a registered patient
17 ~~who has designated the dispensary to provide for his or her needs or other than~~
18 the patient's registered caregiver.

19 * * *

20 Sec. 13. 6 V.S.A. § 567 is amended to read:

21 § 567. AGENCY OF AGRICULTURE, FOOD AND MARKETS; TESTING

1 (a) The Agency of Agriculture, Food and Markets shall establish a cannabis
2 quality control program for the following purposes:

3 (1) to develop potency and contaminant testing protocols for hemp, ~~and~~
4 hemp-infused products, marijuana, and marijuana-infused products;

5 (2) to verify cannabinoid label guarantees of hemp, ~~and~~ hemp-infused
6 products, marijuana, and marijuana-infused products;

7 (3) to test for pesticides, solvents, heavy metals, mycotoxins, and
8 bacterial and fungal contaminants in hemp, ~~and~~ hemp-infused products,
9 marijuana, and marijuana-infused products; and

10 (4) to certify testing laboratories that can offer the services in
11 subdivisions (2) and (3) of this section.

12 (b) For purposes of this section, a laboratory operating under a dispensary
13 registration pursuant to 18 V.S.A. chapter 86 that offers the services in
14 subdivisions (2) and (3) of subsection (a) of this section on July 1, 2019 shall
15 be deemed certified by the Agency.

16 (c) The Department of Public Safety shall be responsible for the cost of a
17 test of a product produced at a registered dispensary.

18 Sec. 14. REPEAL

19 18 V.S.A. § 4474h is repealed.

1 Sec. 15. 18 V.S.A. § 4474n is added to read:

2 § 4474n. USE OF U.S. FOOD AND DRUG ADMINISTRATION-
3 APPROVED DRUGS CONTAINING ONE OR MORE
4 CANNABINOIDS

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

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

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

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

20 (4) the possession and transportation of an FDA-approved prescription
21 drug containing one or more cannabinoids by a licensed pharmacy or

1 wholesaler in order to facilitate the appropriate dispensing and use of the drug;

2 and

3 (5) the use of an FDA-approved prescription drug containing one or

4 more cannabinoids by a patient to whom a valid prescription was issued,

5 provided the patient uses the drug only for legitimate medical purposes in

6 conformity with instructions from the prescriber and dispenser.

7 (b) Upon approval by the U.S. Food and Drug Administration of one or

8 more prescription drugs containing one or more cannabinoids, the Department

9 of Health shall amend its rules to conform to the provisions of subsection (a) of

10 this section.

11 Sec. 16. REPEAL

12 2017 Act and Resolves No. 62, Sec. 8 (use of U.S. Food and Drug

13 Administration-approved drugs containing cannabidiol) is repealed.

14 Sec. 17. 32 V.S.A. § 5894 is amended to read:

15 § 5894. LIABILITY FOR FAILURE OR DELINQUENCY

16 * * *

17 (f) Violations from income derived from illegal activity. An individual,

18 fiduciary, officer, or employee of any corporation or a partner or employee of

19 any partnership who violates subsections (a)-(e) of this section based on

20 income derived from illegal activity shall be imprisoned not more than three

21 years or fined not more than \$10,000.00, or not more than \$100,000.00 if the

1 violation was based on income derived from the unlawful sale of a regulated
2 drug in violation of 18 VSA chapter 84, or both. The penalty provided in this
3 subsection shall be in addition to any other civil or criminal penalties provided
4 by law.

5 **Sec. 18. TASK FORCE ON CAMPUS SEXUAL HARM; REPORT**

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

10 (b) Membership. The Task Force shall be composed of the following
11 17 members:

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

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

16 (3) two survivors of campus sexual assault, domestic violence, or
17 stalking incidents, appointed by Vermont Center for Crime Victim Services;

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

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

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

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

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

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

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

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

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

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

5 (14) one representative appointed by the Executive Director of the
6 Vermont Bar Association, with expertise in working with postsecondary
7 educational institutions on the investigation and adjudication of sexual
8 harassment and sexual assault allegations.

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (f) Meetings.

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

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

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

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

15 (g) Compensation and reimbursement.

16 (1) For attendance at meetings during adjournment of the General
17 Assembly, a legislative member of the Task Force serving in his or her
18 capacity as a legislator shall be entitled to per diem compensation and
19 reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than
20 seven meetings. These payments shall be made from monies appropriated to
21 the General Assembly.

1 (2) Other members of the Task Force who are not otherwise
2 compensated for their service on the Task Force shall be entitled to per diem
3 compensation and reimbursement of expenses as permitted under 32 V.S.A.
4 § 1010 for not more than seven meetings. These payments shall be made
5 from monies appropriated to the Agency of Education.

6 (h) Appropriation. The sum of \$10,248.00 is appropriated to the Agency of
7 Education from the General Fund in fiscal year 2020 for per diem
8 compensation and reimbursement of expenses for nonlegislative members of
9 the Task Force. The sum of \$3,066.00 is appropriated to the General
10 Assembly from the General Fund in fiscal year 2020 for per diem
11 compensation and reimbursement of expenses for legislative members of the
12 Task Force.

13 Sec. 19. CARRYING OF DEFENSIVE FIREARMS BY PROBATION AND
14 PAROLE OFFICERS; TRAINING AND CERTIFICATION PROGRAM;
15 REPORT BY JOINT JUSTICE OVERSIGHT COMMITTEE

16 (a) On or before September 1, 2019, the Secretary of Human Services shall
17 design, approve, and present for review to the Joint Legislative Justice
18 Oversight Committee a defensive firearm training and certification program to
19 be administered by the Department of Corrections. The certification program
20 shall build on the program now offered by the Department of Corrections to

1 certify its employees to carry defensive firearms when transporting detainees
2 who are in federal custody.

3 (b) The Joint Legislative Justice Oversight Committee, in consultation with
4 the Secretaries of Administration and Human Services, shall study whether to
5 authorize probation and parole officers to carry defensive firearms if the
6 officers are certified by the Department of Corrections to do so. The
7 Committee shall report its findings and recommendations in the form of
8 proposed legislation to the Senate and House Committees on Judiciary on or
9 before December 15, 2019.

10 Sec. 20. EFFECTIVE DATE; APPLICABILITY

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

12 (b) Notwithstanding 1 V.S.A. § 214, Sec. 6, 15 V.S.A. § 752(b)(9)
13 (maintenance guidelines), shall apply to actions filed on or after January 1,
14 2019.

15
16
17 (Committee vote: _____)

18 _____

19 Senator _____

20 FOR THE COMMITTEE