

S.105: An Act Relating to Miscellaneous Judiciary Procedures

Sections in House Proposal of Amendment as of 4/29/19

Identical to Senate Bill Unless Highlighted

Sections 1 and 2 contain minor adjustments to the court diversion statutes requested by the Attorney General's Office to make clear that there is a presumption that low to moderate risk juveniles are transferred to diversion, and that referrals to the diversion program can come from juvenile and youthful offender proceedings in the family court. Section 2 also provides that, when conditions of release are imposed on a person in diversion, the case does not become confidential until the program is completed. [House draft adds requirement that annual report include data on diversion rates in each county, and adds language proposed by AG to make expungement provisions of juvenile diversion program identical to adult diversion program expungement provisions].

Section 3 proposed by the Court and authorizes the Supreme Court to conduct performance evaluations of judges and magistrates, and to keep confidential any records related to the evaluations.

Sections 4 and 5 were requested by the Supreme Court to accommodate its new electronic court filing system. Section 3 permits a registered electronic filer to file a document that would otherwise need to be notarized if the document includes language stating that the filer declares the contents to be true and accurate, subject to the penalty of perjury. In conjunction with this change, Section 4 makes the perjury statute (also known as "false swearing") consistent with Section 3 by providing the same criminal penalty for making a false statement under the penalties of perjury as there already is for making a false sworn statement.

Section 6 repeals Vermont's violent career criminals statute and leaves in place the habitual criminals statute.

Section 7 removes an outdated statutory reference to the State Forest Service, which no longer exists.

Section 8 corrects a grammatical error.

Section 9 removes a cross reference that had referred to 13 VSA section 3906, a statute that has been repealed.

Sec. 25 [Added by House at request of Court] extends the sunset on judicial masters from 2020 to 2025.