

1 S.19

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; violent career criminals

6 Statement of purpose of bill as introduced: This bill proposes to merge

7 Vermont's habitual criminals and violent career criminals statutes so that there

8 is a single statute governing violent habitual criminals.

9 An act relating to violent habitual criminals

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

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

12 § 11. ~~HABITUAL CRIMINALS~~

13 ~~A person who, after having been three times convicted within this State of~~
14 ~~felonies or attempts to commit felonies, or under the law of any other state,~~
15 ~~government, or country, of crimes which, if committed within this State, would~~
16 ~~be felonious, commits a felony other than murder within this State, may be~~
17 ~~sentenced upon conviction of such fourth or subsequent offense to~~
18 ~~imprisonment up to and including life. [Repealed.]~~

1 Sec. 2. 13 V.S.A. § 11a is amended to read:

2 § 11a. ~~VIOLENT CAREER~~ HABITUAL CRIMINALS

3 (a) The State may elect to seek the substitute penalty provided for in this
4 section against a person who, after having been two times convicted within this
5 State of a felony crime of violence, or under the law of any other state,
6 government, or country, of a crime which, if committed in this State would be
7 a felony crime of violence, is convicted of a third felony crime of violence
8 within this State.

9 (b) If the State seeks a substitute penalty for one of the offenses
10 enumerated in subsection (d) of this section, it shall give notice to the person
11 by filing an information seeking the penalty contained in this section.

12 (c) A person charged under this section shall be sentenced upon conviction
13 of such third or subsequent offense to imprisonment up to and including life.

14 (d) As used in this section, “felony crime of violence” shall mean the
15 following crimes:

16 (1) arson causing death as defined in section 501 of this title;

17 (2) assault and robbery with a dangerous weapon as defined in
18 subsection 608(b) of this title;

19 (3) assault and robbery causing bodily injury as defined in subsection
20 608(c) of this title;

21 (4) aggravated assault as defined in section 1024 of this title;

1 (5) murder as defined in section 2301 of this title;

2 (6) manslaughter as defined in section 2304 of this title;

3 (7) kidnapping as defined in section 2405 of this title or its predecessor
4 as it was defined in section 2401 of this title;

5 (8) maiming as defined in section 2701 of this title;

6 (9) sexual assault as defined in subdivision 3252(a)(1) or (2) of this title
7 or its predecessor as it was defined in section 3201 of this title;

8 (10) aggravated sexual assault as defined in section 3253 of this title;

9 (11) first degree unlawful restraint as defined in section 2407 of this
10 title;

11 (12) first degree aggravated domestic assault as defined in section 1043
12 of this title where the defendant causes serious bodily injury to another person;

13 (13) lewd or lascivious conduct with a child as defined in section 2602
14 of this title where the child is under the age of 13 years and the defendant is 18
15 years of age or older.

16 (e) Notwithstanding any other provision of law to the contrary, the court
17 shall not place on probation or suspend the sentence of any person sentenced
18 under this section. No person who receives a minimum sentence under this
19 section shall be eligible for early release or furlough until the expiration of the
20 minimum sentence.

1 (f) For the purposes of this section, multiple convictions that arise out of
2 the same criminal transaction are to be treated as one conviction.

3 Sec. 3. EFFECTIVE DATE; APPLICABILITY

4 This act shall take effect on July 1, 2019, and apply to crimes committed on
5 or after that date.