

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 234
3 entitled “An act relating to miscellaneous judiciary procedures” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. 3 V.S.A. § 163 is amended to read:

8 § 163. JUVENILE COURT DIVERSION PROJECT

9 * * *

10 (i) Notwithstanding subdivision (c)(1) of this section, the diversion
11 program may accept cases from the Youth Substance ~~Abuse~~ Awareness Safety
12 Program pursuant to 7 V.S.A. § 656 or 18 V.S.A. § 4230b. The confidentiality
13 provisions of this section shall become effective when a notice of violation is
14 issued under 7 V.S.A. § 656(b) or 18 V.S.A. § 4230b(b), and shall remain in
15 effect unless the person fails to register with or complete the Youth Substance
16 ~~Abuse~~ Awareness Safety Program.

17 * * *

18 Sec. 2. 3 V.S.A. § 164 is amended to read:

19 § 164. ADULT COURT DIVERSION PROGRAM

20 * * *

1 (l) Notwithstanding subdivision (e)(1) of this section, the diversion
2 program may accept cases from the Youth Substance ~~Abuse~~ Awareness Safety
3 Program pursuant to 7 V.S.A. § 656 or 18 V.S.A. § 4230b. The confidentiality
4 provisions of this section shall become effective when a notice of violation is
5 issued under 7 V.S.A. § 656(b) or 18 V.S.A. § 4230b(b), and shall remain in
6 effect unless the person fails to register with or complete the Youth Substance
7 ~~Abuse~~ Awareness Safety Program.

8 * * *

9 Sec. 3. 18 V.S.A. § 4230a is amended to read:

10 § 4230A. ~~MARIJUANA~~ CANNABIS POSSESSION BY A PERSON 21
11 YEARS OF AGE OR OLDER

12 * * *

13 (d) Fifty percent of the civil penalties imposed by the Judicial Bureau for
14 violations of this section shall be deposited in the Drug Task Force Special
15 Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7,
16 subchapter 5, and available to the Department of Public Safety for the funding
17 of law enforcement officers on the Drug Task Force, except for a \$12.50
18 administrative charge for each violation, which shall be deposited in the Court
19 Technology Special Fund, in accordance with 13 V.S.A. § 7252. The
20 remaining 50 percent shall be deposited in the Youth Substance ~~Abuse~~
21 Awareness Safety Program Special Fund, hereby created to be managed

1 pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Court
2 Diversion Program for funding of the Youth Substance ~~Abuse~~ Awareness
3 Safety Program as required by section 4230b of this title.

4 * * *

5 Sec. 4. 18 V.S.A. § 4230f is amended to read:

6 § 4230F. DISPENSING ~~MARIJUANA~~ CANNABIS TO A PERSON UNDER
7 21 YEARS OF AGE; CRIMINAL OFFENSE

8 * * *

9 (e)(1) Subsections (a)–(d) of this section shall not apply to a person under
10 21 years of age who dispenses ~~marijuana~~ cannabis to a person under 21 years
11 of age or who knowingly enables the consumption of ~~marijuana~~ cannabis by a
12 person under 21 years of age.

13 (2) A person who is 18, 19, or 20 years of age who knowingly dispenses
14 ~~marijuana~~ cannabis to a person who is 18, 19, or 20 years of age commits a
15 civil violation and shall be referred to the Court Diversion Program for the
16 purpose of enrollment in the Youth Substance ~~Abuse~~ Awareness Safety
17 Program in accordance with the provisions of section 4230b of this title and
18 shall be subject to the penalties in that section for failure to complete the
19 program successfully.

20 * * *

1 Sec. 5. 7 V.S.A. § 656 is amended to read:

2 § 656. PERSON 16 YEARS OF AGE OR OLDER AND UNDER 21 YEARS
3 OF AGE MISREPRESENTING AGE, PROCURING, POSSESSING,
4 OR CONSUMING ALCOHOLIC BEVERAGES; CIVIL
5 VIOLATION-

6 (a)(1) Prohibited conduct. A person 16 years of age or older and under
7 21 years of age shall not:

8 (A) Falsely represent his or her age for the purpose of procuring or
9 attempting to procure malt or vinous beverages, spirits, or fortified wines from
10 any licensee, State liquor agency, or other person or persons.

11 (B) Possess malt or vinous beverages, spirits, or fortified wines for
12 the purpose of consumption by himself or herself or other minors, except in the
13 regular performance of duties as an employee of a licensee licensed to sell
14 alcoholic liquor.

15 (C) Consume malt or vinous beverages, spirits, or fortified wines. A
16 violation of this subdivision may be prosecuted in a jurisdiction where the
17 minor has consumed malt or vinous beverages, spirits, or fortified wines or in a
18 jurisdiction where the indicators of consumption are observed.

19 (2) Offense. A person ~~under 21 years of age~~ who knowingly violates
20 subdivision (1) of this subsection commits a civil violation and shall be
21 referred to the Court Diversion Program for the purpose of enrollment in the

1 Youth Substance ~~Abuse~~ Awareness Safety Program. A person who fails to
2 complete the program successfully shall be subject to:

3 (A) a civil penalty of \$300.00 and suspension of the person's
4 operator's license and privilege to operate a motor vehicle for a period of
5 30 days, for a first offense; and

6 (B) a civil penalty of not more than \$600.00 and suspension of the
7 person's operator's license and privilege to operate a motor vehicle for a
8 period of 90 days, for a second or subsequent offense.

9 (b) Issuance of notice of violation. A law enforcement officer shall issue a
10 person ~~under 21 years of age~~ who violates this section a notice of violation, in
11 a form approved by the Court Administrator. The notice of violation shall
12 require the person to provide his or her name and address and shall explain
13 procedures under this section, including that:

14 * * *

15 Sec. 6. 18 V.S.A. § 4230b is amended to read:

16 § 4230b. ~~MARIJUANA~~ CANNABIS POSSESSION BY A PERSON 16
17 YEARS OF AGE OR OLDER AND UNDER 21 YEARS OF AGE;
18 CIVIL VIOLATION

19 (a) Offense. A person 16 years of age or older and under 21 years of age
20 who knowingly and unlawfully possesses one ounce or less of ~~marijuana~~
21 cannabis or five grams or less of hashish or two mature ~~marijuana~~ cannabis

1 plants or fewer or four immature ~~marijuana~~ cannabis plants or fewer commits a
2 civil violation and shall be referred to the Court Diversion Program for the
3 purpose of enrollment in the Youth Substance Abuse Safety Program. A
4 person who fails to complete the program successfully shall be subject to:

5 (1) a civil penalty of \$300.00 and suspension of the person's operator's
6 license and privilege to operate a motor vehicle for a period of 30 days, for a
7 first offense; and

8 (2) a civil penalty of not more than \$600.00 and suspension of the
9 person's operator's license and privilege to operate a motor vehicle for a
10 period of 90 days, for a second or subsequent offense.

11 (b) Issuance of Notice of Violation. A law enforcement officer shall issue
12 a person ~~under 21 years of age~~ who violates this section with a notice of
13 violation, in a form approved by the Court Administrator. The notice of
14 violation shall require the person to provide his or her name and address and
15 shall explain procedures under this section, including that:

16 * * *

17 (d) Registration in Youth Substance ~~Abuse~~ Awareness Safety Program.
18 Within 15 days after receiving a notice of violation, the person shall contact
19 the Diversion Program in the county where the offense occurred and register
20 for the Youth Substance ~~Abuse~~ Awareness Safety Program. If the person fails
21 to do so, the Diversion Program shall file the summons and complaint with the

1 Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion
2 Program shall provide a copy of the summons and complaint to the law
3 enforcement officer who issued the notice of violation and shall provide two
4 copies to the person charged with the violation.

5 * * *

6 (f)(1) Diversion Program Requirements. Upon being contacted by a person
7 who has been issued a notice of violation, the Diversion Program shall register
8 the person in the Youth Substance Abuse Awareness Safety Program.
9 Pursuant to the Youth Substance Abuse Awareness Safety Program, the
10 Diversion Program shall impose conditions on the person. The conditions
11 imposed shall include only conditions related to the offense and in every case
12 shall include a condition requiring satisfactory completion of substance abuse
13 screening using an evidence-based tool and, if deemed appropriate following
14 the screening, substance abuse assessment and substance abuse education or
15 substance abuse counseling, or both. If the screener recommends substance
16 abuse counseling, the person shall choose a State-certified or State-licensed
17 substance abuse counselor or substance abuse treatment provider to provide the
18 services.

19 * * *

1 Sec. 7. 18 V.S.A. § 4230j is added to read:

2 § 4230j. CANNABIS POSSESSION BY A PERSON UNDER 16 YEARS OF
3 AGE; DELINQUENCY

4 A person under 16 years of age who engages in conduct in violation of
5 subdivision 4230b of this title commits a delinquent act and shall be subject to
6 33 V.S.A. chapter 52. The person shall be provided the opportunity to
7 participate in the Court Diversion Program unless the prosecutor states on the
8 record why a referral to the Program would not serve the ends of justice.

9 Sec. 8. 23 V.S.A. § 203 is amended to read:

10 § 203. COUNTERFEITING, FRAUD, AND MISUSE; PENALTY

11 (a) A person shall not:

12 * * *

13 (2) display or cause or permit to be displayed, or have in his or her
14 possession, any fictitious or fraudulently altered operator license, learner's
15 permit, nondriver identification card, inspection sticker, or registration
16 certificate, or display for any fraudulent purpose an expired or counterfeit
17 insurance identification card or similar document;

18 * * *

19 (b)(1) ~~A~~ Except as provided in subdivision (2) of this subsection, a

20 violation of subsection (a) of this section shall be a traffic violation for which
21 there shall be a penalty of not more than \$1,000.00. If a person is found to

1 have committed the violation, the person’s privilege to operate motor vehicles
2 shall be suspended for 60 days.

3 (2) If a person may be charged with a violation of subdivision (a)(2) of
4 this section or with a violation of 7 V.S.A. § 656, the person shall be charged
5 with a violation of 7 V.S.A. § 656 and not with a violation of this section.

6 Sec. 9. 4 V.S.A. § 1105 is amended to read:

7 § 1105. ANSWER TO COMPLAINT; DEFAULT

8 (a) A violation shall be charged upon a summons and complaint form
9 approved and distributed by the Court Administrator. The complaint shall be
10 signed by the issuing officer or by the State’s Attorney. The original shall be
11 filed with the Judicial Bureau; a copy shall be retained by the issuing officer or
12 State’s Attorney and two copies shall be given to the defendant. The Judicial
13 Bureau may, consistent with rules adopted by the Supreme Court pursuant to
14 12 V.S.A. § 1, accept electronic signatures on any document, including the
15 signatures of issuing officers, State’s Attorneys, and notaries public. The
16 complaint shall include a statement of rights, instructions, notice that a
17 defendant may ~~admit, not contest, or deny a violation~~ request a hearing or
18 accept the penalties without a hearing, notice of the fee for failure to answer
19 within ~~20~~ 21 days, and other notices as the Court Administrator deems
20 appropriate. The Court Administrator, in consultation with appropriate law
21 enforcement agencies, may approve a single form for charging all violations,

1 or may approve two or more forms as necessary to administer the operations of
2 the Judicial Bureau.

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

11 (c) A person who ~~admits or does not contest the allegations~~ accepts the
12 penalties may so indicate and sign the complaint. The Bureau shall accept the
13 admission or statement that the allegations are not contested and accept
14 payment of the waiver penalty.

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

18 (e) A person who denies the allegations or who wishes to have a hearing on
19 the complaint for any other reason may so indicate and sign the complaint.

20 Upon receipt, the Bureau shall schedule a hearing.

21 * * *

1 Sec. 10. 12 V.S.A. § 2903(d) is amended to read:

2 (d) If a judgment lien is not satisfied within 30 days of recording, it may be
3 foreclosed and redeemed as provided in this title and V.R.C.P. 80.1. Unless
4 the court finds that as of the date of foreclosure the amount of the outstanding
5 debt exceeds the value of the real property being foreclosed, ~~section 4531~~
6 chapter 172 of this title shall apply to foreclosure of a judgment lien.

7 Sec. 11. 12 V.S.A. § 5812 is amended to read:

8 § 5812. OATH TO BE ADMINISTERED TO ATTORNEYS

9 You solemnly swear that you will do no falsehood, nor consent that any be
10 done in court, and if you know of any, you will give knowledge thereof to the
11 judges of the court or some of them, that it may be reformed; that you will not
12 wittingly, willingly, or knowingly promote, sue, or procure to be sued, any
13 false or unlawful suit, or give aid or consent to the same; that you will delay no
14 ~~man~~ person for lucre or malice, but will act in the office of attorney within the
15 court, according to your best learning and discretion, with all good fidelity as
16 well to the court as to your client. So help you God.

17 Sec. 12. 13 V.S.A. § 1029 is amended to read:

18 § 1029. ALCOHOLISM, LIMITATIONS, EXCEPTIONS

19 (a) No political subdivision of the State may adopt or enforce a law or rule
20 having the force of law that includes being found in an intoxicated condition as
21 one of the elements of the offense giving rise to a criminal or civil penalty. No

1 political subdivision may interpret or apply any law of general application to
2 circumvent this provision.

3 (b) Nothing in this section affects any law or rule against operating a motor
4 vehicle or other machinery under the influence of alcohol or possession or use
5 of alcoholic beverages at stated times and places or by a particular class of
6 persons.

7 (c) This section does not make intoxication or incapacitation as defined in
8 ~~18 V.S.A. § 9142~~ 18 V.S.A. § 4802 an excuse or defense for any criminal act.
9 Nothing contained herein shall change current law relative to insanity as a
10 defense for any criminal act.

11 (d) This section does not relieve any person from civil liability for any
12 injury to persons or property caused by that person while intoxicated or
13 incapacitated.

14 Sec. 13. 13 V.S.A. § 3256 is amended to read:

15 § 3256. TESTING FOR INFECTIOUS DISEASES

16 (a)(1)(A) The victim of an offense involving a sexual act may obtain an
17 order from the Criminal or Family Division of the Superior Court in which the
18 offender was convicted of the offense, or was adjudicated delinquent, requiring
19 that the offender be tested for the presence of the etiologic agent for acquired
20 immune deficiency syndrome (AIDS) and other sexually-transmitted diseases,
21 including gonorrhea, herpes, chlamydia, and syphilis.

1 (B) The victim of an offense involving a sexual act may, if a judicial
2 officer finds there is probable cause to believe the offender committed the
3 offense, obtain an order from the Criminal or Family Division of the Superior
4 Court in which the offender was charged with the offense requiring that the
5 offender be tested for the presence of immunodeficiency virus (HIV) within
6 48 hours after the offender was charged.

7 (2) If requested by the victim, the State’s Attorney shall petition the
8 court on behalf of the victim for an order under this section. For the purposes
9 of this section, “offender” includes a juvenile adjudicated a delinquent.

10 (b) ~~For purposes of~~ As used in this section, “sexual act” means a criminal
11 offense:

12 (1) where the underlying conduct of the offender constitutes a sexual act
13 as defined in section 3251 of this title; and

14 (2) that creates a risk of transmission of the etiologic agent for AIDS to
15 the victim as determined by the federal Centers for Disease Control and
16 Prevention.

17 (c) If the court determines pursuant to subdivision (a)(1)(A) of this section
18 that the offender was convicted or adjudicated of a crime involving a sexual act
19 with the victim, or that pursuant to subdivision (a)(1)(B) of this section that the
20 offender was charged with a crime involving a sexual act with the victim and
21 there is probable cause to believe the offender committed the offense, the court

1 shall order the test to be administered by the Department of Health in
2 accordance with applicable law. If appropriate under the circumstances, the
3 court may include in its order a requirement for follow-up testing of the
4 offender. An order for follow-up testing shall be terminated if the offender's
5 conviction is overturned. A sample taken pursuant to this section shall be used
6 solely for purposes of this section. All costs of testing the offender shall, if not
7 otherwise funded, be paid by the Department of Public Safety.

8 (d) The results of the offender's test shall be disclosed only to the offender
9 and the victim.

10 (e) If an offender who is subject to an order pursuant to subsection (c) of
11 this section refuses to comply with the order, the victim, or State's Attorney on
12 behalf of the victim, may seek a civil contempt order pursuant to 12 V.S.A.
13 chapter 5.

14 (f) After arraignment, a defendant who is charged with an offense
15 involving a sexual act may offer to be tested for the presence of the etiologic
16 agent for acquired immune deficiency syndrome (AIDS) and other sexually
17 transmitted diseases, including gonorrhea, herpes, chlamydia, and syphilis.
18 Such testing shall follow the same procedures set forth for testing an offender
19 who is subject to an order pursuant to subsection (c) of this section. The
20 defendant's offer to be tested after arraignment shall not be used as evidence at
21 the defendant's trial. If the defendant is subsequently convicted of an offense

1 involving a sexual act, the court may consider the offender’s offer for testing
2 as a mitigating factor.

3 (g) Upon request of the victim at any time after the commission of a crime
4 involving a sexual act under subsection (b) of this section, the State shall
5 provide any of the following services to the victim:

6 (1) counseling regarding human immunodeficiency virus (HIV);

7 (2) testing, which shall remain confidential unless otherwise provided
8 by law, for HIV and other sexually transmitted diseases, including gonorrhea,
9 herpes, chlamydia, and syphilis;

10 (3) counseling by a medically trained professional on the accuracy of the
11 testing, and the risk of transmitting HIV and other sexually transmitted
12 diseases to the victim as a result of the crime involving a sexual act; and

13 (4) prophylaxis treatment, crisis counseling, and support services.

14 (h) A victim who so requests shall receive monthly follow-up HIV testing
15 for six months after the initial test.

16 (i) The State shall provide funding for HIV or AIDS, or both, and sexual
17 assault cross-training between sexual assault programs and HIV and AIDS
18 service organizations.

19 (j) The record of the court proceedings and test results pursuant to this
20 section shall be sealed.

1 (k) The Court Administrator’s Office shall develop and distribute forms to
2 implement this section in connection with a criminal conviction or adjudication
3 of delinquency.

4 (l) The Center for Crime Victim Services shall be the primary coordinating
5 agent for the services to be provided in subsections (g), (h), and (i) of this
6 section.

7 Sec. 14. 13 V.S.A. § 7602 is amended to read:

8 § 7602. EXPUNGEMENT AND SEALING OF RECORD,
9 POSTCONVICTION; PROCEDURE

10 * * *

11 (b)(1) The court shall grant the petition and order that the criminal history
12 record be expunged pursuant to section 7606 of this title if the following
13 conditions are met:

14 * * *

15 (C) Any restitution and surcharges ordered by the court ~~has~~ have
16 been paid in full, provided that payment of surcharges shall not be required if
17 the surcharges have been waived by the court pursuant to section 7282 of this
18 title.

19 * * *

1 (c)(1) The court shall grant the petition and order that the criminal history
2 record be expunged pursuant to section 7606 of this title if the following
3 conditions are met:

4 * * *

5 (D) Any restitution and surcharges ordered by the court for any crime
6 of which the person has been convicted has been paid in full, provided that
7 payment of surcharges shall not be required if the surcharges have been waived
8 by the court pursuant to section 7282 of this title.

9 * * *

10 (d) For petitions filed pursuant to subdivision (a)(1)(B) of this section,
11 unless the court finds that expungement would not be in the interests of justice,
12 the court shall grant the petition and order that the criminal history record be
13 expunged in accordance with section 7606 of this title if the following
14 conditions are met:

15 * * *

16 (2) Any restitution and surcharges ordered by the court ~~has~~ have been
17 paid in full, provided that payment of surcharges shall not be required if the
18 surcharges have been waived by the court pursuant to section 7282 of this title.

19 * * *

1 Sec. 15. 13 V.S.A. § 7609 is amended to read:

2 § 7609. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS OF AN
3 INDIVIDUAL 18–21 YEARS OF AGE

4 (a) Procedure. Except as provided in subsection (b) of this section, the
5 record of the criminal proceedings for an individual who was 18–21 years of
6 age at the time the individual committed a qualifying crime shall be expunged
7 within 30 days after the date on which the individual successfully completed
8 the terms and conditions of the sentence for the conviction of the qualifying
9 crime, absent a finding of good cause by the court. The court shall issue an
10 order to expunge all records and files related to the arrest, citation,
11 investigation, charge, adjudication of guilt, criminal proceedings, and
12 probation related to the sentence. A copy of the order shall be sent to each
13 agency, department, or official named in the order. Thereafter, the court, law
14 enforcement officers, agencies, and departments shall reply to any request for
15 information that no record exists with respect to such individual.

16 Notwithstanding this subsection, the record shall not be expunged until
17 restitution ~~has~~ and surcharges have been paid in full, provided that payment of
18 surcharges shall not be required if the surcharges have been waived by the
19 court pursuant to section 7282 of this title.

20 * * *

1 Sec. 16. 14 V.S.A. § 107 is amended to read:

2 § 107. ALLOWANCE OF WILL; CUSTODY OF PROPERTY

3 (a) If consents are filed by all the heirs at law and surviving spouse, a will
4 may be allowed without hearing. If consents are not obtained, the court shall
5 schedule a hearing and notice shall be given as provided by the Rules of
6 Probate Procedure.

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

11 (1) allow the will on the testimony of only one of the subscribing
12 witnesses if the witness testifies that the will was executed as provided in
13 chapter 1 of this title; or

14 (2) allow the will without hearing if it meets criteria set out in section
15 108 of this title.

16 * * *

17 Sec. 17. 14 V.S.A. § 1203 is amended to read:

18 § 1203. LIMITATIONS ON PRESENTATION OF CLAIMS

19 * * *

20 (c) Nothing in this section affects or prevents:

1 ~~contact~~, education, medical and dental care, religion, travel, and any other
2 matter involving a child's welfare and upbringing.

3 * * *

4 Sec. 21. 18 V.S.A. § 7510 is amended to read:

5 § 7510. PRELIMINARY HEARING

6 (a) Within five days after a person is admitted to a designated hospital for
7 emergency examination, he or she may request the ~~Criminal Division of the~~
8 Superior Court to conduct a preliminary hearing to determine whether there is
9 probable cause to believe that he or she was a person in need of treatment at
10 the time of his or her admission.

11 * * *

12 Sec. 22. 24 V.S.A. § 1981 is amended to read:

13 § 1981. ENFORCEMENT OF ORDER FROM JUDICIAL BUREAU

14 (a) Upon the filing of the complaint and entry of a judgment after
15 admission, hearing or entry of default by the hearing officer, subject to any
16 appeal pursuant to 4 V.S.A. § 1107, the person found in violation shall have up
17 to 30 days to pay the penalty to the Judicial Bureau. Upon the expiration of the
18 period to pay the penalty, the person found in violation shall be assessed a
19 surcharge of \$10.00 for the benefit of the municipality. All the civil remedies
20 for collection of judgments shall be available to enforce the final judgment of
21 the Judicial Bureau.

1

* * *

2

Sec. 23. 32 V.S.A. § 1434 is amended to read:

3

§ 1434. PROBATE CASES

4

(a) The following entry fees shall be paid to the Probate Division of the Superior Court for the benefit of the State, except for subdivisions (18) and (19) of this subsection, which shall be for the benefit of the county in which the fee was collected:

5

6

7

8

* * *

9

~~(28) Petitions for minor settlement pursuant to 14 V.S.A. § 2643 - \$90.00~~

10

[Repealed.]

11

* * *

12

Sec. 24. 33 V.S.A. § 5117 is amended to read:

13

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

14

* * *

15

(b)(1) Notwithstanding the foregoing, inspection of such records and files

16

by the following is not prohibited:

17

* * *

18

(D) court personnel, the State's Attorney or other prosecutor authorized to prosecute criminal or juvenile cases under State law, the child's guardian ad litem, the attorneys for the parties, probation officers, and law

19

20

1 enforcement officers who are actively participating in criminal or juvenile
2 proceedings involving the child;

3 (E) the child who is the subject of the proceeding, the child’s parents,
4 guardian, and custodian, ~~and guardian ad litem~~ may inspect such records and
5 files upon approval of the Family Court judge;

6 * * *

7 Sec. 25. 33 V.S.A. § 5119 is amended to read:

8 § 5119. SEALING OF RECORDS

9 * * *

10 (m) Notwithstanding the provisions of this section, a criminal record may
11 not be sealed if restitution and surcharges are owed, provided that payment of
12 surcharges shall not be required if the surcharges have been waived by the
13 court pursuant to 13 V.S.A. § 7282.

14 Sec. 26. SUNSET REPEAL

15 2017 Acts and Resolves No. 61, Sec. 7 (July 1, 2020 sunset of changes to
16 Court Diversion Program) is repealed.

17 Sec. 27. REPEAL

18 12 V.S.A. chapter 215, subchapter 1 (voluntary arbitration for medical
19 malpractice cases) is repealed.

1 Sec. 28. SUNSET REPEAL

2 2017 Acts and Resolves No. 54, Sec. 6a (July 1, 2020 repeal of 3 V.S.A.
3 § 168, Racial Disparities in Criminal and Juvenile Justice System Advisory
4 Panel) is repealed.

5 Sec. 29. PERSONS WITH SUSPENDED DRIVER'S LICENSES;

6 AMNESTY PROGRAM

7 (a) There is established an Amnesty Program to permit the Judicial Bureau
8 and the Department of Motor Vehicles to waive all traffic tickets, fees, and
9 surcharges associated with motor vehicle operators whose licenses have been
10 suspended for noncriminal reasons if the suspension has lasted for one year or
11 longer. The Amnesty Program shall comply with the guidelines set forth in
12 this section.

13 (b) On or before September 1, 2020, the Department of Motor Vehicles
14 shall provide to the Office of the Attorney General a list of persons whose
15 operator's licenses have been suspended for noncriminal reasons for one year
16 or longer. On or before September 30, 2020, the Office of the Attorney
17 General shall submit the entire list to the Judicial Bureau and file a single
18 motion requesting that the traffic tickets, Judicial Bureau fees, and surcharges
19 for all persons on the list be waived.

1 (c)(1) Upon filing of the motion from the Attorney’ General’s Office
2 required by subsection (b) of this section, the Judicial Bureau shall waive the
3 tickets, fees, and surcharges identified in the motion.

4 (2) The Judicial Bureau shall provide notice of its action under
5 subdivision (1) of this subsection to the Department of Motor Vehicles.

6 (d) After receiving notice from the Judicial Bureau pursuant to subdivision
7 (c)(2) of this section, the Department of Motor Vehicles shall:

8 (1) waive any fees, including those associated with reinstatement, for all
9 persons included on the list submitted to the Judicial Bureau pursuant to
10 subsection (b) or this section;

11 (2) reinstate the operator’s licenses of each person on the list, unless the
12 person is otherwise ineligible for reinstatement; and

13 (3) notify persons that their licenses have been reinstated, or that their
14 licenses are ineligible for reinstatement and the reason for ineligibility.

15 Sec. 30. CONFORMING REVISIONS; “MARIJUANA” AND

16 “CANNABIS”

17 When preparing the Vermont Statutes Annotated for publication, the Office
18 of Legislative Council shall replace “marijuana” with “cannabis” throughout
19 the statutes as needed for consistency with this act, provided the revisions have
20 no other effect on the meaning of the affected statutes.

1 Sec. 31. EFFECTIVE DATE

2 This act shall take effect on July 1, 2020.

3

4

5

6

7 (Committee vote: _____)

8

9

Senator _____

10

FOR THE COMMITTEE