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H.87

Introduced by Representative Notte of Rutland City

Referred to Committee on

Date:

Subject: Court procedure; classification of criminal offenses

Statement of purpose of bill as introduced: This bill proposes to establish a classification system for criminal offenses and to place criminal property offenses within the classes established by that system.

An act relating to establishing a classification system for criminal offenses

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

Sec. 1. 13 V.S.A. chapter 2 is added to read:

CHAPTER 2. CLASSIFICATION OF CRIMINAL OFFENSES

§ 51. CLASSIFICATION OF OFFENSES

(a) All felonies shall be classified as follows: Class A, Class B, Class C, Class D, and Class E.

(b) All misdemeanors shall be classified as follows: Class A, Class B, Class C, Class D, and Class E.

(c) Except as otherwise provided by law, for all offenses the court may impose a sentence of imprisonment or a fine, or both.

1 § 52. SENTENCES OF IMPRISONMENT

2 (a) The maximum term of imprisonment for a felony shall be as follows:

3 (1) Class A: life imprisonment.

4 (2) Class B: imprisonment for 20 years.

5 (3) Class C: imprisonment for 10 years.

6 (4) Class D: imprisonment for five years.

7 (5) Class E: imprisonment for three years.

8 (b) The maximum term of imprisonment for a misdemeanor shall be as
9 follows:

10 (1) Class A: imprisonment for two years.

11 (2) Class B: imprisonment for one year.

12 (3) Class C: imprisonment for six months.

13 (4) Class D: imprisonment for 30 days.

14 (5) Class E: no term of imprisonment.

15 (c) The minimum term of imprisonment for a felony or a misdemeanor
16 shall be as provided by law.

17 (d) Any statutory or mandatory minimum or maximum term of
18 imprisonment for a felony or a misdemeanor shall be as provided by law.

19 § 53. FINES

20 (a) Unless otherwise provided by law, the maximum fine for a felony shall
21 be as follows:

1 (1) Class A: \$500,000.00.

2 (2) Class B: \$250,000.00.

3 (3) Class C: \$50,000.00.

4 (4) Class D: \$25,000.00.

5 (5) Class E: \$15,000.00.

6 (b) Unless otherwise provided by law, the maximum fine for a
7 misdemeanor shall be as follows:

8 (1) Class A: \$10,000.00.

9 (2) Class B: \$5,000.00.

10 (3) Class C: \$2,500.00.

11 (4) Class D: \$500.00.

12 (5) Class E: \$250.00.

13 § 54. TRANSITIONAL PROVISIONS

14 Unless otherwise provided by law, criminal offenses shall be classified
15 according to each offense's statutory maximum penalty. Criminal offenses
16 shall be classified as follows:

17 (1) Felonies.

18 (A) All felonies punishable by a maximum term of life imprisonment
19 shall be Class A felonies.

20 (B) All felonies punishable by a maximum term of 20 years or more
21 but less than life shall be Class B felonies.

1 (C) All felonies punishable by a maximum term of 10 years or more
2 but less than 20 years shall be Class C felonies.

3 (D) All felonies punishable by a maximum term of five years or more
4 but less than ten years shall be Class D felonies.

5 (E) All felonies punishable by a maximum term of less than five
6 years shall be Class E felonies.

7 (2) Misdemeanors.

8 (A) All misdemeanors punishable by a maximum term of
9 imprisonment of two years shall be Class A misdemeanors.

10 (B) All misdemeanors punishable by a maximum term of
11 imprisonment of one year or more but less than two years shall be Class B
12 misdemeanors.

13 (C) All misdemeanors punishable by a maximum term of
14 imprisonment of six months or more but less than one year shall be Class C
15 misdemeanors.

16 (D) All misdemeanors punishable by a maximum term of
17 imprisonment of 30 days or more but less than six months shall be Class D
18 misdemeanors.

19 (E) All misdemeanors punishable by a fine and no term of
20 imprisonment or a maximum term of imprisonment of less than 30 days shall
21 be Class E misdemeanors.

1 § 55. CLASSIFICATION OF PROPERTY OFFENSES

2 All criminal property offenses to which this section applies shall be
3 classified as follows:

4 (1) If the value of the property that is at issue in the offense is less than
5 \$100.00, the offense shall be a Class D misdemeanor.

6 (2) If the value of the property that is at issue in the offense is less than
7 \$1,000.00 and equal to or greater than \$100.00, the offense shall be a Class C
8 misdemeanor.

9 (3) If the value of the property that is at issue in the offense is less than
10 \$3,000.00 and equal to or greater than \$1,000.00, the offense shall be a Class A
11 misdemeanor.

12 (4) If the value of the property that is at issue in the offense is less than
13 \$100,000.00 and equal to or greater than \$3,000.00, the offense shall be a
14 Class E felony.

15 (5) If the value of the property that is at issue in the offense is equal to
16 or greater than \$100,000.00, the offense shall be a Class D felony.

17 Sec. 2. 13 V.S.A. § 9 is amended to read:

18 § 9. ATTEMPTS

19 (a) A person who attempts to commit an offense and does an act toward the
20 commission thereof, but by reason of being interrupted or prevented fails in the
21 execution of the same, shall be punished as herein provided unless other

1 express provision is made by law for the punishment of the attempt. If the
2 offense attempted to be committed is murder, aggravated murder, kidnapping,
3 arson causing death, human trafficking, aggravated human trafficking,
4 aggravated sexual assault, or sexual assault, a person shall be punished as the
5 offense attempted to be committed is by law punishable.

6 (b) If the offense attempted to be committed is a felony other than those set
7 forth in subsection (a) of this section, a person shall be punished by the less
8 severe of the following punishments:

9 (1) ~~imprisonment for not more than 10 years or fined not more than~~
10 ~~\$10,000.00, or both~~ as a Class C felony; or

11 (2) as the offense attempted to be committed is by law punishable.

12 (c) If the offense attempted to be committed is a misdemeanor, a person
13 shall be ~~imprisoned or fined, or both, in an amount not to exceed one half the~~
14 ~~maximum penalty for which~~ subject to the punishment applicable to the
15 misdemeanor that is one class level lower than the offense so attempted to be
16 committed is by law punishable.

17 Sec. 3. 9 V.S.A. § 4043 is amended to read:

18 § 4043. FRAUDULENT USE

19 (a) A person shall not with intent to defraud, obtain, or attempt to obtain
20 money, property, services, or any other thing of value, by the use of a credit
21 card which he or she knows, or reasonably shall have known, to have been

1 stolen, forged, revoked, cancelled, unauthorized, or invalid for use by him or
2 her for such purpose.

3 (b) A person who violates this section shall be sentenced pursuant to
4 13 V.S.A. §§ 52, 53, and 55.

5 Sec. 4. 9 V.S.A. § 4044 is amended to read:

6 § 4044. ~~PENALTY~~

7 ~~(a) A person who violates section 4043 of this title shall be fined not more~~
8 ~~than \$500.00 or be imprisoned not more than six months, or both, if the~~
9 ~~aggregate value of the money, property, services, or other things of value so~~
10 ~~obtained is \$50.00 or less.~~

11 ~~(b) A person who violates section 4043 of this title shall be fined not more~~
12 ~~than \$1,000.00 or be imprisoned not more than one year, or both, if the~~
13 ~~aggregate value of the money, property, services, or other things of value so~~
14 ~~obtained exceeds \$50.00. [Repealed.]~~

15 Sec. 5. 13 V.S.A. § 1801 is amended to read:

16 § 1801. FORGERY AND COUNTERFEITING OF PAPERS,
17 DOCUMENTS, ETC.

18 A person who wittingly, falsely, and deceitfully makes, alters, forges, or
19 counterfeits, or wittingly, falsely, or deceitfully causes to be made, altered,
20 forged, or counterfeited, or procures, aids, or counsels the making, altering,
21 forging, or counterfeiting, of a writ, process, public record, or any certificate,

1 return, or attestation of a clerk of a court, public register, notary public, justice,
2 or other public officer, in relation to a matter wherein such certificate, return,
3 or attestation may be received as legal proof, or a charter, deed, or any
4 evidence or muniment of title to property, will, terminal care document,
5 testament, bond, or writing obligatory, letter of attorney, policy of insurance,
6 bill of lading, bill of exchange, promissory note, or an order drawn on a person
7 or corporation, or on a State, county, or town or school district treasurer, for
8 money or other property, or an acquittance or discharge for money or other
9 property, or an acceptance of a bill of exchange, or indorsement or assignment
10 of a bill of exchange or promissory note, for the payment of money, or any
11 accountable receipt for money, goods, or other property, or certificate of stock,
12 with intent to injure, or defraud a person, shall be ~~imprisoned not more than 10~~
13 ~~years and fined not more than \$1,000.00, or both~~ sentenced pursuant to
14 sections 52, 53, and 55 of this title.

15 Sec. 6. 13 V.S.A. § 1802 is amended to read:

16 § 1802. UTTERING FORGED OR COUNTERFEITED INSTRUMENT

17 A person who utters and publishes as true a forged, altered, or counterfeited
18 record, deed, instrument, or other writing mentioned in section 1801 of this
19 title, knowing the same to be false, altered, forged, or counterfeited, with intent
20 to injure or defraud a person, shall be ~~imprisoned not more than 10 years and~~

1 ~~fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53,
2 and 55 of this title.

3 Sec. 7. 13 V.S.A. § 1804 is amended to read:

4 § 1804. COUNTERFEITING PAPER MONEY

5 A person who falsely makes, alters, forges, or counterfeits, or procures to be
6 made, altered, forged, or counterfeited, or aids or assists in making, altering,
7 forging, or counterfeiting, a note, or imitation of, or purporting to be a note
8 issued by the United States, used as currency, or a bank bill or promissory
9 note, or imitation of, or purporting to be a bank bill or promissory note, issued
10 by a banking company incorporated by the Congress of the United States or by
11 the legislature of a state of the United States or of another country, with intent
12 to injure or defraud a person; and a person who utters, passes, or gives in
13 payment, or offers to pass or give in payment, or procures to be offered,
14 passed, or given in payment, or has in his or her possession with intent to offer,
15 pass, or give in payment, such altered, forged, counterfeited, or imitated note,
16 bank bill, or promissory note, knowing the same to be altered, forged,
17 counterfeited, or imitated, shall be ~~imprisoned not more than 14 years and~~
18 ~~fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53,
19 and 55 of this title.

1 Sec. 8. 13 V.S.A. § 1816 is amended to read:

2 § 1816. POSSESSION OR USE OF CREDIT CARD SKIMMING DEVICES
3 AND RE-ENCODERS

4 (a) A person who knowingly, wittingly, and with the intent to defraud
5 possesses a scanning device, or who knowingly, wittingly, and with intent to
6 defraud uses a scanning device to access, read, obtain, memorize, or store,
7 temporarily or permanently, information encoded on the computer chip or
8 magnetic strip of a payment card without the permission of the authorized user
9 of the payment card ~~shall be imprisoned not more than 10 years or fined not~~
10 ~~more than \$10,000.00, or both~~ commits a Class C felony.

11 (b) A person who knowingly, wittingly, and with the intent to defraud
12 possesses a re-encoder, or who knowingly, wittingly, and with the intent to
13 defraud uses a re-encoder to place encoded information on the computer chip
14 or magnetic strip or stripe of a payment card or any electronic medium that
15 allows an authorized transaction to occur without the permission of the
16 authorized user of the payment card from which the information is being re-
17 encoded ~~shall be imprisoned not more than 10 years or fined not more than~~
18 ~~\$10,000.00, or both~~ commits a Class C felony.

19 * * *

1 Sec. 9. 13 V.S.A. § 2001 is amended to read:

2 § 2001. FALSE PERSONATION

3 A person who falsely personates or represents another, and in such assumed
4 character receives money or other property intended to be delivered to the
5 party so personated, with intent to convert the same to the person's own use,
6 shall be ~~imprisoned not more than 10 years or fined not more than \$2,000.00,~~
7 ~~or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

8 Sec. 10. 13 V.S.A. § 2002 is amended to read:

9 § 2002. FALSE PRETENSES OR TOKENS

10 A person who designedly by false pretenses or by privy or false token and
11 with intent to defraud, obtains from another person money or other property, or
12 a release or discharge of a debt or obligation, or the signature of a person to a
13 written instrument, the false making whereof would be punishable as forgery,
14 shall be ~~imprisoned not more than 10 years or fined not more than \$2,000.00,~~
15 ~~or both, if the money or property so obtained exceeds \$900.00 in value. A~~
16 ~~person who violates this section shall be imprisoned for not more than one year~~
17 ~~or fined not more than \$1,000.00, or both, if the money or property obtained in~~
18 ~~violation of this section is valued at \$900.00 or less~~ sentenced pursuant to
19 sections 52, 53, and 55 of this title.

1 Sec. 11. 13 V.S.A. § 2029 is amended to read:

2 § 2029. HOME IMPROVEMENT FRAUD

3 * * *

4 (d)(1) A person who violates subsection (b) of this section ~~shall be~~
5 ~~imprisoned not more than two years or fined not more than \$1,000.00, or both,~~
6 ~~if the loss to a single consumer is less than \$1,000.00~~ commits a Class A
7 misdemeanor.

8 (2) A person who is convicted of a second or subsequent violation of
9 subdivision (1) of this subsection ~~shall be imprisoned not more than three years~~
10 ~~or fined not more than \$5,000.00, or both~~ commits a Class E felony.

11 (3) A person who violates subsection (b) of this section ~~shall be~~
12 ~~imprisoned not more than three years or fined not more than \$5,000.00, or~~
13 ~~both,~~ commits a Class E felony if:

14 (A) the loss to a single consumer is \$1,000.00 or more; or

15 (B) the loss to more than one consumer is \$2,500.00 or more in the
16 aggregate.

17 (4) A person who is convicted of a second or subsequent violation of
18 subdivision (3) of this subsection ~~shall be imprisoned not more than five years~~
19 ~~or fined not more than \$10,000.00, or both~~ commits a Class D felony.

1 (5) A person who violates subsection (c) or (e) of this section ~~shall be~~
2 ~~imprisoned for not more than two years or fined not more than \$1,000.00, or~~
3 ~~both~~ commits a Class A misdemeanor.

4 * * *

5 Sec. 12. 13 V.S.A. § 2030 is amended to read:

6 § 2030. IDENTITY THEFT

7 * * *

8 (f) A person who violates this section ~~shall be imprisoned for not more than~~
9 ~~three years or fined not more \$5,000.00, or both~~ commits a Class E felony. A
10 person who is convicted of a second or subsequent violation of this section
11 involving a separate scheme ~~shall be imprisoned for not more than 10 years or~~
12 ~~fined not more than \$10,000.00, or both~~ commits a Class C felony.

13 Sec. 13. 13 V.S.A. § 2031 is amended to read:

14 * * *

15 (c) Penalties. A person who violates subsection (b) of this section shall:

16 (1) ~~if the benefit wrongfully obtained or the loss suffered by any person~~
17 ~~as a result of the violation has a value of less than \$900.00, be imprisoned for~~
18 ~~not more than six months or fined not more than \$5,000.00, or both; or~~

19 (2) ~~if the benefit wrongfully obtained or the loss suffered by any person~~
20 ~~as a result of the violation has a value of more than \$900.00, be imprisoned for~~
21 ~~not more than five years or fined not more than \$10,000.00, or both; or~~

1 ~~the person convicted to imprisonment for not more than one year or to pay a~~
2 ~~fine of not more than \$1,000.00, or both. [Repealed.]~~

3 Sec. 16. 13 V.S.A. § 2503 is amended to read:

4 § 2503. LARCENY FROM THE PERSON

5 A person who steals or attempts to steal from the person and custody of
6 another, property, the subject of larceny, ~~shall be imprisoned not more than 10~~
7 ~~years or fined not more than \$500.00, or both~~ commits a Class C felony.

8 Sec. 17. 13 V.S.A. § 2531 is amended to read:

9 § 2531. EMBEZZLEMENT GENERALLY

10 (a) An officer, agent, bailee for hire, clerk, or servant of a banking
11 association or an incorporated company, or a clerk, agent, bailee for hire,
12 officer, or servant of a private person, partnership, trades union, joint stock
13 company, unincorporated association, fraternal or benevolent association,
14 except apprentices and other persons under ~~the age of~~ 16 years of age, who
15 embezzles or fraudulently converts to his or her own use, or takes or secretes
16 with intent to embezzle or fraudulently convert to his or her own use, money or
17 other property that comes into his or her possession or is under his or her care
18 by virtue of such employment, notwithstanding he or she may have an interest
19 in such money or property, shall be guilty of embezzlement and sentenced
20 pursuant to sections 52, 53, and 55 of this title.

1 ~~(b) If the money or property embezzled does not exceed \$100.00 in value,~~
2 ~~the person shall be imprisoned not more than one year or fined not more than~~
3 ~~\$1,000.00, or both. If the money or property embezzled exceeds \$100.00 in~~
4 ~~value, the person shall be imprisoned not more than 10 years or fined not more~~
5 ~~than \$10,000.00, or both.~~

6 Sec. 18. 13 V.S.A. § 2532 is amended to read:

7 § 2532. OFFICER OR SERVANT OF INCORPORATED BANK

8 A cashier or other officer, agent, or servant of an incorporated bank who
9 embezzles or fraudulently converts to his or her own use bullion, money, notes,
10 bills, obligations, or securities or other effects or property belonging to and in
11 the possession of such bank or belonging to any person and deposited therein,
12 shall be guilty of larceny and shall be ~~imprisoned not more than 10 years or~~
13 ~~fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53,
14 and 55 of this title.

15 Sec. 19. 13 V.S.A. § 2533 is amended to read:

16 § 2533. RECEIVER OR TRUSTEE

17 A receiver or trustee appointed by the court in any litigation in this State,
18 who embezzles or fraudulently converts to his or her own use any money or
19 other property in his or her hands as such receiver or trustee, shall be guilty of
20 larceny and shall be ~~imprisoned not more than 10 years or fined not more than~~
21 ~~\$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

1 Sec. 20. 13 V.S.A. § 2537 is amended to read:

2 § 2537. PERSON HOLDING PROPERTY IN OFFICIAL CAPACITY OR
3 BELONGING TO THE STATE OR A MUNICIPALITY

4 A State, county, town, or municipal officer or other person who in his or her
5 official capacity receives, collects, controls, or holds money, obligations,
6 securities, or other property, who embezzles or fraudulently converts to his or
7 her own use any of such money, obligations, securities, or other property, or a
8 person who embezzles or fraudulently converts to his or her own use money or
9 other property belonging to the State or to a county or municipality, or a
10 municipal corporation, or a special purpose district, shall be guilty of larceny
11 and shall be ~~imprisoned not more than 10 years or fined not more than~~
12 ~~\$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

13 Sec. 21. 13 V.S.A. § 2561 is amended to read:

14 § 2561. PENALTY FOR RECEIVING STOLEN PROPERTY; VENUE

15 (a) A person who is a dealer in property who buys, receives, sells,
16 possesses unless with the intent to restore to the owner, or aids in the
17 concealment of property, knowing or believing the property to be stolen, shall
18 be ~~punished the same as for the stealing of such property~~ sentenced pursuant to
19 sections 52, 53, and 55 of this title.

20 (b) A person who buys, receives, sells, possesses unless with the intent to
21 restore to the owner, or aids in the concealment of stolen property, knowing the

1 same to be stolen, shall be ~~punished the same as for the stealing of such~~
2 ~~property~~ sentenced pursuant to sections 52, 53, and 55 of this title.

3 * * *

4 Sec. 22. 13 V.S.A. § 2575a is added to read:

5 § 2575a. ORGANIZED RETAIL THEFT

6 (a) A person commits the offense of organized retail theft when he or she
7 commits the offense of retail theft pursuant to section 2575 of this title and acts
8 in concert with one or more persons on one or more occasions within a period
9 of 180 days.

10 (b) A person who violates subsection (a) of this section shall be sentenced
11 pursuant to sections 52, 53, and 55 of this title. The aggregate retail value of
12 the merchandise obtained shall be used to determine the classification of the
13 offense under section 55 of this title.

14 Sec. 23. 13 V.S.A. § 2577 is amended to read:

15 § 2577. PENALTY

16 ~~(a) A person convicted of the offense of retail theft of merchandise having~~
17 ~~a retail value not in excess of \$900.00 shall be punished by a fine of not more~~
18 ~~than \$500.00 or imprisonment for not more than six months, or both.~~

19 ~~(b) A person convicted of the offense of retail theft of merchandise having a~~
20 ~~retail value in excess of \$900.00 shall be punished by a fine of not more than~~
21 ~~\$1,000.00 or imprisonment for not more than 10 years, or both.~~

1 ~~(c) Notwithstanding the provisions of subsections (a) and (b) of this section,~~
2 ~~a person convicted of retail theft pursuant to:~~

3 ~~(1) Subdivision 2575(4) of this title shall be imprisoned not more than~~
4 ~~two years or fined not more than \$1,000.00, or both.~~

5 ~~(2) Subdivision 2575(5), (6), or (7) of this title shall be imprisoned for~~
6 ~~not more than 10 years or fined not more than \$5,000.00, or both shall be~~
7 ~~sentenced pursuant to sections 52, 53, and 55 of this title.~~

8 Sec. 24. 13 V.S.A. § 2582 is amended to read:

9 § 2582. THEFT OF SERVICES

10 (a) A person who purposely obtains services that he or she knows are
11 available only for compensation, by deception or threat, or by false token or
12 other means to avoid payment for the service shall ~~if the services exceed~~
13 ~~\$900.00 in value be imprisoned for not more than 10 years or fined not more~~
14 ~~than \$5,000.00, or both. Otherwise, a person who violates a provision of this~~
15 ~~subsection shall be imprisoned for not more than one year or fined not more~~
16 ~~than \$1,000.00, or both be sentenced pursuant to sections 52, 53, and 55 of this~~
17 ~~title.~~ Where compensation for service is ordinarily paid immediately upon the
18 rendering of such service, as in the case of hotels, restaurants, and
19 transportation, refusal to pay or absconding without payment or offer to pay
20 gives rise to a rebuttable presumption that the service was obtained by
21 deception as to intention to pay.

1 (b) A person who, having control over the disposition of services of others,
2 to which he or she is not entitled, knowingly diverts such services to the
3 person's own benefit or to the benefit of another not entitled thereto shall ~~if the~~
4 ~~services exceed \$900.00 in value be imprisoned for not more than 10 years or~~
5 ~~fined not more than \$5,000.00, or both. Otherwise a person who violates a~~
6 ~~provision of this subsection shall be imprisoned for not more than one year or~~
7 ~~fined not more than \$1,000.00, or both~~ be sentenced pursuant to sections 52,
8 53, and 55 of this title.

9 Sec. 25. 13 V.S.A. § 2591 is amended to read:

10 § 2591. THEFT OF RENTED PROPERTY

11 (a) A person who converts to his or her own use any personal property,
12 other than a motor vehicle leased or rented pursuant to a written agreement that
13 has been entrusted to the person under an agreement in writing that provides
14 for the delivery of that personal property to a particular person or place or at a
15 particular time, abandons it, or refuses or neglects to deliver it to the person or
16 place and at the time specified in the written agreement, or who destroys,
17 secretes, appropriates, converts, sells, or attempts to sell all or any part of it, or
18 who removes or permits or causes it to be removed from this State, without the
19 consent of its owner, shall be:

20 (1) ~~if the value of the property involved is \$900.00 or less, imprisoned~~
21 ~~not more than six months or fined not more than \$500.00, or both; for a first~~

1 offense, sentenced pursuant to sections 52, 53, and 55 of this title, provided
2 that the sentence shall not exceed the penalty for a Class C misdemeanor; or

3 (2) if the property involved exceeds \$900.00 in value:

4 (A) ~~imprisoned for not more than two years or fined not more than~~
5 ~~\$1,000.00, or both; or~~

6 (B) ~~imprisoned for not more than five years or fined not more than~~
7 ~~\$5,000.00 if the person has been previously convicted of a violation of this~~
8 ~~subdivision (a)(2) of this section~~ for a second or subsequent offense, sentenced
9 pursuant to sections 52, 53, and 55 of this title, provided that the sentence shall
10 not exceed the penalty for a Class D felony.

11 * * *

12 Sec. 26. 13 V.S.A. § 2592 is amended to read:

13 § 2592. FAILURE TO RETURN A RENTED OR LEASED MOTOR
14 VEHICLE

15 * * *

16 (b) A person who violates this section ~~shall be imprisoned for not more~~
17 ~~than three years or fined not more than \$3,000.00, or both~~ commits a Class E
18 felony. If the person has been previously convicted of a violation of this
19 section, the person ~~shall be imprisoned not more than five years or fined not~~
20 ~~more than \$5,000.00, or both~~ commits a Class D felony.

1 Sec. 27. 13 V.S.A. § 3016 is amended to read:

2 § 3016. FALSE CLAIM

3 * * *

4 (b) A person who violates this section shall, ~~if the prohibited act results in~~
5 ~~no loss to a governmental entity or benefit to the person or results in a loss to a~~
6 ~~governmental entity or benefit to the person of less than \$500.00 in value, be~~
7 ~~imprisoned not more than two years or fined not more than \$5,000.00, or both.~~
8 A person who violates this section shall, if the prohibited act results in a loss to
9 any governmental entity or a benefit to the person of \$500.00 or more in value,
10 whether by a single act or by a common scheme or course of conduct involving
11 one or more transactions, be imprisoned not more than five years or fined not
12 more than \$10,000.00, or both be sentenced pursuant to sections 52, 53, and 55
13 of this title.

14 * * *

15 Sec. 28. 13 V.S.A. § 3606a is amended to read:

16 § 3606a. TRESPASS; CRIMINAL PENALTY

17 (a) No person shall knowingly or recklessly:

18 (1) cut down, fell, destroy, remove, injure, damage, or carry away any
19 timber or forest product placed or growing for any use or purpose whatsoever,
20 or timber or forest product lying or growing belonging to another person,
21 without permission from the owner of the timber or forest product; or

1 (2) deface the mark of a log, forest product, or other valuable timber in a
2 river or other place.

3 (b) Any person who violates subsection (a) of this section ~~shall:~~

4 (1) for a first offense, ~~be imprisoned not more than one year or fined not~~
5 ~~more than \$20,000.00, or both~~ commits a Class B misdemeanor; or

6 (2) for a second or subsequent offense, ~~be imprisoned not more than two~~
7 ~~years or fined not more than \$50,000.00, or both~~ commits a Class A
8 misdemeanor.

9 Sec. 29. 13 V.S.A. § 3701 is amended to read:

10 § 3701. UNLAWFUL MISCHIEF

11 (a) A person who, with intent to damage property, and having no right to
12 do so or any reasonable ground to believe that he or she has such a right, does
13 any damage to any property ~~which is valued in an amount exceeding \$1,000.00~~
14 ~~shall be imprisoned for not more than five years or fined not more than~~
15 ~~\$5,000.00, or both~~ shall be sentenced pursuant to sections 52, 53, and 55 of
16 this title.

17 (b) ~~A person who, with intent to damage property, and having no right to~~
18 ~~do so or any reasonable ground to believe that he or she has such a right, does~~
19 ~~any damage to any property which is valued in an amount exceeding \$250.00~~
20 ~~shall be imprisoned for not more than one year or fined not more than~~
21 ~~\$1,000.00, or both.~~

1 ~~(e)~~ A person who, having no right to do so or any reasonable ground to
2 believe that he or she has such a right, intentionally does any damage to
3 property of any value not exceeding \$250.00 shall be imprisoned for not more
4 than six months or fined not more than \$500.00, or both.

5 ~~(d)~~ A person who, with intent to damage property, and having no right to
6 do so or any reasonable ground to believe that he or she has such a right, does
7 any damage to any property by means of an explosive ~~shall be imprisoned for~~
8 ~~not more than five years or fined not more than \$5,000.00, or both~~ commits a
9 Class D felony.

10 ~~(e)(c)~~ For the purposes of As used in this section “property” means real or
11 personal property.

12 ~~(f)(d)~~ A person who suffers damages as a result of a violation of this
13 section may recover those damages together with reasonable attorney’s fees in
14 a civil action under this section.

15 Sec. 30. 13 V.S.A. § 3705 is amended to read:

16 § 3705. UNLAWFUL TRESPASS

17 (a)(1) A person ~~shall be imprisoned for not more than three months or fined~~
18 ~~not more than \$500.00, or both,~~ commits a Class D misdemeanor if, without
19 legal authority or the consent of the person in lawful possession, he or she
20 enters or remains on any land or in any place as to which notice against
21 trespass is given by:

1 (A) actual communication by the person in lawful possession or his
2 or her agent or by a law enforcement officer acting on behalf of such person or
3 his or her agent;

4 (B) signs or placards so designed and situated as to give reasonable
5 notice; or

6 (C) in the case of abandoned property:

7 (i) signs or placards, posted by the owner, the owner's agent, or a
8 law enforcement officer, and so designed and situated as to give reasonable
9 notice; or

10 (ii) actual communication by a law enforcement officer.

11 * * *

12 (c) A person who enters a building other than a residence, whose access is
13 normally locked, whether or not the access is actually locked, or a residence in
14 violation of an order of any court of competent jurisdiction in this State ~~shall~~
15 ~~be imprisoned for not more than one year or fined not more than \$500.00, or~~
16 ~~both~~ commits a Class B misdemeanor.

17 (d) A person who enters a dwelling house, whether or not a person is
18 actually present, knowing that he or she is not licensed or privileged to do so
19 ~~shall be imprisoned for not more than three years or fined not more than~~
20 ~~\$2,000.00, or both~~ commits a Class E felony.

21 * * *

1 Sec. 31. 13 V.S.A. § 3732 is amended to read:

2 § 3732. UNAUTHORIZED REMOVAL OF BOOKS FROM LIBRARY

3 A person who removes from a free public library, or a free town, village, or
4 traveling library, a book, paper, magazine, document, or other reading matter,
5 or an art book, picture, print, plate, or other art work, kept in such library for
6 public use or circulation, without the consent of the librarian or other person in
7 charge of such library, ~~shall be fined not more than \$50.00 for each offense,~~
8 half to the use of ~~commits a Class E misdemeanor. One-half of the criminal~~
9 fine shall be paid to the library from which the same was so removed, and the
10 ~~other half to the use of~~ one-half shall be paid to the treasury liable for the costs
11 of prosecution.

12 Sec. 32. 13 V.S.A. § 3733 is amended to read:

13 § 3733. MILLS, DAMS OR BRIDGES

14 A person who willfully and maliciously injures, removes, or opens a dam,
15 reservoir, gate, or flume; or injures or removes the wheels, mill gear, or
16 machinery of a water mill; or injures, removes, or destroys a public or toll
17 bridge, ~~shall be imprisoned not more than five years or fined not more than~~
18 ~~\$500.00, or both~~ commits a Class D felony.

1 Sec. 33. 13 V.S.A. § 3738 is amended to read:

2 § 3738. OBSTRUCTION AND USE OF PRIVATE ROADS AND LANDS
3 BY MOTOR VEHICLE

4 (a) A person ~~who~~ shall not, without the permission of the owner or
5 occupant and by use of a motor vehicle as defined in 23 V.S.A. § 4:

6 (1) ~~obstructs~~ obstruct a private driveway, barway, or gateway; ~~or~~

7 (2) ~~travels~~ travel over a private road that is so marked; or ~~travels~~ travel
8 over other private lands; or

9 (3) ~~enters~~ enter on private lands for the purpose of camping; ~~without the~~
10 ~~permission of the owner or occupant shall be fined not more than \$500.00.~~

11 (b) A person who violates this section commits a Class E misdemeanor.

12 Sec. 34. 13 V.S.A. § 3739 is amended to read:

13 § 3739. OPERATION OF VEHICLES ON STATE OWNED LAND

14 (a) A person ~~who operates~~ shall not operate a motor vehicle, as defined in
15 23 V.S.A. § 4, on any land that is owned or held by the State:

16 (1) except in places or on trails specifically designated and marked by
17 the Secretary of Natural Resources; or

18 (2) contrary to any rule governing the use of the place or trail ~~shall be~~
19 ~~fined not more than \$500.00.~~

20 (3) For the purposes of this section “land owned or held by the State”
21 does not include a highway as defined in 23 V.S.A. § 4.

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* * *

(c) A person who violates this section commits a Class E misdemeanor.

Sec. 35. 13 V.S.A. § 3740 is amended to read:

§ 3740. DAMAGE TO STATE LAND

A person who operates a motor vehicle, as defined in 23 V.S.A. § 4, on any land, that is owned or held by the State, in such a manner as to purposely and maliciously cause injury, damage, erosion, or waste to the land ~~shall be fined not more than \$500.00~~ commits a Class E misdemeanor. For the purposes of this section “land” does not include a highway as defined in 23 V.S.A. § 4.

Sec. 36. 13 V.S.A. § 3761 is amended to read:

§ 3761. UNAUTHORIZED REMOVAL OF HUMAN REMAINS

A person who, not being authorized by law, intentionally excavates, disinters, removes, or carries away a human body, or the remains thereof, interred or entombed in this State or intentionally excavates, disinters, removes, or carries away an object interred or entombed with a human body in this State, or knowingly aids in such excavation, disinterment, removal, or carrying away, or is accessory thereto, ~~shall be imprisoned not more than 15 years or fined not more than \$10,000.00, or both~~ commits a Class C felony.

1 Sec. 37. 13 V.S.A. § 3767 is amended to read:

2 § 3767. PENALTIES

3 (a) A person who violates a provision of sections 3764–3766 of this title
4 ~~shall, except as provided in subsection (b) of this section, be imprisoned not~~
5 ~~more than five years or fined not more than \$5,000.00, or both~~ commits a Class
6 D felony.

7 (b) A person who violates subsection 3766(c) of this title ~~shall be~~
8 ~~imprisoned not more than one year or fined not more than \$500.00, or both~~
9 commits a Class B misdemeanor.

10 Sec. 38. 13 V.S.A. § 3771 is amended to read:

11 § 3771. DISTURBING A FUNERAL SERVICE

12 * * *

13 (b) No person shall disturb or attempt to disturb a funeral service by
14 engaging in picketing within 100 feet of the service within one hour prior to
15 and two hours following the publicly announced time of the commencement of
16 the service.

17 (c) A person who violates this section ~~shall be imprisoned not more than 30~~
18 ~~days or fined not more than \$500.00, or both~~ commits a Class D misdemeanor.

1 Sec. 39. 13 V.S.A. § 3781 is amended to read:

2 § 3781. TAPPING GAS PIPES WITH INTENT TO DEFRAUD

3 A person who taps gas pipes with intent to take gas therefrom, or who
4 connects pipes with such gas pipes so that gas may be used without passing
5 through the meters for measurement, or who knowingly burns gas without
6 measurement by gas meters, without the consent of the owner, ~~shall be~~
7 ~~imprisoned not more than one year or fined not more than \$100.00, or both~~
8 commits a Class A misdemeanor. The owner of the gas may recover of the
9 person so unlawfully tapping or connecting such pipes or using gas, the actual
10 damages, with costs, in a civil action on this statute.

11 Sec. 40. 13 V.S.A. § 3782 is amended to read:

12 § 3782. TAPPING ELECTRIC LINES; INJURIES TO ELECTRIC PLANTS

13 A person who willfully commits or causes to be committed an act with
14 intent to injure a machine, apparatus, or structure appertaining to the works of
15 a person, firm, association, or corporation engaged in manufacturing, selling,
16 or distributing electrical energy in this State, or whereby such works may be
17 stopped, obstructed, or injured, or who taps an electrical line of a person, firm,
18 association, or corporation so that electricity can be taken therefrom, or
19 knowingly uses electricity taken from such line without the consent of such
20 person, firm, association, or corporation, ~~shall be imprisoned not more than~~
21 ~~two years or fined not more than \$300.00, or both~~ commits a Class A

1 misdemeanor. Such person shall also be liable to such person, firm,
2 association, or corporation or to anyone injured for actual damages, with full
3 costs, in a civil action on this statute.

4 Sec. 41. 13 V.S.A. § 3784 is amended to read:

5 § 3784. INTERFERING WITH METERS

6 A person, other than an authorized agent or employee acting for the owner,
7 manufacturer, or operator thereof, who maliciously opens, closes, breaks into,
8 or in any manner adjusts or interferes with a meter, or other regulating or
9 measuring device or appliance attached to or connected with wires, pipe lines,
10 mains, service pipes, or house pipes owned or used by a manufacturer or
11 furnisher of electricity, gas, or water ~~shall be imprisoned not more than three~~
12 ~~months or fined not more than \$100.00, or both~~ commits a Class D
13 misdemeanor.

14 Sec. 42. 13 V.S.A. § 3785 is amended to read:

15 § 3785. INJURING LIGHTS IN STREETS AND PUBLIC BUILDINGS

16 A person who willfully and maliciously breaks the glass about a street lamp
17 or gaslight, or a lamp or gaslight in the grounds about a public building, or,
18 without authority, lights such a lamp or gaslight or extinguishes the same when
19 lighted, or in any manner interferes therewith, or injures any part of the fixtures
20 supporting such lamp or gaslight, or defaces the same by painting or posting
21 notices thereon, or fastens a horse or animal thereto, ~~shall be imprisoned not~~

1 ~~more than three months or fined not more than \$50.00, or both~~ commits a
2 Class D misdemeanor.

3 Sec. 43. 13 V.S.A. § 3786 is amended to read:

4 § 3786. TAPPING CABLE TELEVISION SYSTEMS; DAMAGE TO
5 EQUIPMENT

6 A person who willfully or maliciously damages, or causes to be damaged,
7 any wire, cable, conduit, apparatus, or equipment of a company operating a
8 cable television system, as defined in 30 V.S.A. § 501, or who commits any act
9 with intent to cause damage to any wire, cable, conduit, apparatus, or
10 equipment of a company operating such a system, or who taps, tampers with,
11 or connects any wire or device to the equipment of the cable television
12 company that would degrade the service rendered without authorization of the
13 company ~~may be fined not more than \$100.00~~ commits a Class E misdemeanor
14 and shall be liable in a civil action for three times the actual amount of
15 damages sustained thereby.

16 Sec. 44. 13 V.S.A. § 3831 is amended to read:

17 § 3831. CUTTING ICE AND NOT FENCING HOLE

18 A person who takes ice from water over which people are accustomed to
19 pass and does not place around the opening thereby made in the ice suitable
20 guards to prevent a person, team, or vehicle from falling into such hole or
21 opening ~~shall be fined not more than \$50.00~~ commits a Class E misdemeanor.

1 Sec. 45. 13 V.S.A. § 3833 is amended to read:

2 § 3833. UNLAWFUL TAKING OF TANGIBLE PERSONAL PROPERTY;

3 PENALTY

4 A person who, without the consent of the owner, takes and carries away or
5 causes to be taken and carried away any tangible personal property with the
6 intent of depriving the owner temporarily of the lawful possession of his or her
7 property ~~shall be fined not more than \$100.00~~ commits a Class E
8 misdemeanor. This section shall not be construed to limit or restrict
9 prosecutions for larceny or theft.

10 Sec. 46. 13 V.S.A. § 3834 is amended to read:

11 § 3834. REMOVAL OF SURVEYING MONUMENTS

12 A person who knowingly removes or alters monuments marking the
13 boundary of lands or knowingly defaces, alters, or removes marks upon any
14 tree, post, or stake that is a monument designating a point, course, or line in the
15 boundary of a parcel of land ~~shall be fined \$100.00~~ commits a Class E
16 misdemeanor and shall be civilly liable for the replacement cost and any
17 consequential damages. However, land surveyors in their professional practice
18 may perpetuate such monumentation by adding additional marks, or by
19 remonumenting nonsubstantial monuments or by the placing of new
20 monuments to preserve monuments to be destroyed or made inaccessible.

1 Sec. 47. 13 V.S.A. § 4102 is amended to read:

2 § 4102. UNAUTHORIZED ACCESS

3 A person who knowingly and intentionally and without lawful authority,
4 accesses any computer, computer system, computer network, computer
5 software, computer program, or data contained in such computer, computer
6 system, computer program, or computer network ~~shall be imprisoned not more~~
7 ~~than six months or fined not more than \$500.00, or both~~ commits a Class C
8 misdemeanor.

9 Sec. 48. 13 V.S.A. § 4103 is amended to read:

10 § 4103. ACCESS TO COMPUTER FOR FRAUDULENT PURPOSES

11 * * *

12 (b) Penalties. A person convicted of the crime of access to computer for
13 fraudulent purposes shall be:

14 ~~(1) if the value of the matter involved does not exceed \$500.00,~~
15 ~~imprisoned not more than one year or fined not more than \$500.00, or both;~~

16 ~~(2) if the value of the matter involved does not exceed \$500.00, for a~~
17 ~~second or subsequent offense, imprisoned not more than two years or fined not~~
18 ~~more than \$1,000.00, or both; or~~

19 ~~(3) if the value of the matter involved exceeds \$500.00, imprisoned not~~
20 ~~more than 10 years or fined not more than \$10,000.00, or both~~ sentenced
21 pursuant to sections 52, 53, and 55 of this title.

1 Sec. 49. 13 V.S.A. § 4104 is amended to read:

2 § 4104. ALTERATION, DAMAGE, OR INTERFERENCE

3 (a) A person shall not intentionally and without lawful authority, alter,
4 damage, or interfere with the operation of any computer, computer system,
5 computer network, computer software, computer program, or data contained in
6 such computer, computer system, computer program, or computer network.

7 (b) Penalties. A person convicted of violating this section shall be:

8 ~~(1) if the damage or loss does not exceed \$500.00 for a first offense,~~
9 ~~imprisoned not more than one year or fined not more than \$5,000.00, or both;~~

10 ~~(2) if the damage or loss does not exceed \$500.00 for a second or~~
11 ~~subsequent offense, imprisoned not more than two years or fined not more than~~
12 ~~\$10,000.00, or both; or~~

13 ~~(3) if the damage or loss exceeds \$500.00, imprisoned not more than 10~~
14 ~~years or fined not more than \$25,000.00, or both sentenced pursuant to sections~~
15 ~~52, 53, and 55 of this title.~~

16 Sec. 50. 13 V.S.A. § 4105 is amended to read:

17 § 4105. THEFT OR DESTRUCTION

18 (a)(1) A person shall not intentionally and without claim of right deprive
19 the owner of possession, take, transfer, copy, conceal, or retain possession of,
20 or intentionally and without lawful authority, destroy any computer system,

1 computer network, computer software, computer program, or data contained in
2 such computer, computer system, computer program, or computer network.

3 (2) Copying a commercially available computer program or computer
4 software is not a crime under this section, provided that the computer program
5 and computer software has a retail value of \$500.00 or less and is not copied
6 for resale.

7 (b) Penalties. A person convicted of violating this section shall be:

8 ~~(1) if the damage or loss does not exceed \$500.00 for a first offense,~~
9 ~~imprisoned not more than one year or fined not more than \$5,000.00, or both;~~

10 ~~(2) if the damage or loss does not exceed \$500.00 for a second or~~
11 ~~subsequent offense, imprisoned not more than two years or fined not more than~~
12 ~~\$10,000.00, or both; or~~

13 ~~(3) if the damage or loss exceeds \$500.00, imprisoned not more than 10~~
14 ~~years or fined not more than \$25,000.00, or both~~ sentenced pursuant to sections
15 52, 53, and 55 of this title.

16 Sec. 51. EFFECTIVE DATE

17 This act shall take effect on July 1, 2022.