

1 H.729

2 Introduced by Committee on Judiciary

3 Date:

4 Subject: Court procedure; criminal procedure; miscellaneous amendments

5 Statement of purpose of bill as introduced: This bill proposes to make a  
6 number of miscellaneous amendments related to civil and criminal procedure  
7 statutes.

8 An act relating to miscellaneous judiciary procedures

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

10 \* \* \* Cross Reference Corrections \* \* \*

11 Sec. 1. 12 V.S.A. § 4853a is amended to read:

12 § 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

13 \* \* \*

14 (c) Any memorandum in opposition filed by the defendant pursuant to  
15 ~~Rule 78(b)~~ Rule (7)(b)(6) of the Vermont Rules of Civil Procedure shall be  
16 accompanied by affidavit setting forth particular facts in support of the  
17 memorandum.

18 \* \* \*

1 Sec. 2. 12 V.S.A. § 4853b is amended to read:

2 § 4853b. UNLAWFUL OCCUPANT; EXPEDITED HEARING

3 \* \* \*

4 (c) At any time before the hearing, the defendant may oppose the motion  
5 pursuant to ~~Rule 78(b)~~ Rule (7)(b)(6) of the Vermont Rules of Civil Procedure  
6 by filing an affidavit, a signed written statement, or a memorandum in  
7 opposition to the motion. The affidavit, signed written statement, or  
8 memorandum shall set forth particular facts to show that a genuine dispute of  
9 fact exists in relation to the motion.

10 \* \* \*

11 \* \* \* Notarization of Affidavits in Relief from Abuse Proceedings \* \* \*

12 Sec. 3. 15 V.S.A. § 1104 is amended to read:

13 § 1104. EMERGENCY RELIEF

14 (a) In accordance with the Vermont Rules of Civil Procedure, temporary  
15 orders under this chapter may be issued ex parte, without notice to the  
16 defendant, upon motion and findings by the court that the defendant has  
17 abused the plaintiff or the plaintiff's children, or both. The plaintiff shall  
18 submit an affidavit in support of the order, which may be sworn to or affirmed  
19 by administration of the oath over the telephone to the applicant by a person  
20 authorized to administer oaths, and shall conclude with the following  
21 statement: "I declare under the penalty of perjury pursuant to the laws of the

1 State of Vermont that the foregoing is true and accurate. I understand that the  
2 penalty for perjury is imprisonment of not more than 15 years or a fine of not  
3 more than \$10,000.00, or both.” The authorized person shall note on the  
4 affidavit the date and time that the oath was administered. A minor 16 years  
5 of age or older, or a minor of any age who is in a dating relationship as defined  
6 in subdivision 1101(2) of this chapter, may seek relief on ~~his or her~~ the  
7 minor’s own behalf. Relief under this section shall be limited as follows:

8 \* \* \*

9 \* \* \* Sealing Criminal History Records \* \* \*

10 Sec. 4. 13 V.S.A. § 7607 is amended to read:

11 § 7607. EFFECT OF SEALING

12 (a) Order and notice. Upon entry of an order to seal, the order shall be  
13 legally effective immediately and the person whose record is sealed shall be  
14 treated in all respects as if ~~he or she~~ the person had never been arrested,  
15 convicted, or sentenced for the offense and that its effect is to annul the record  
16 of arrest, conviction, and sentence. The court shall provide notice of the  
17 sealing to the respondent, Vermont Crime Information Center (VCIC), the  
18 arresting agency, the Restitution Unit of the Vermont Center for Crime Victims  
19 Services, and any other entity that may have a record related to the order to  
20 seal. The VCIC shall provide notice of the sealing to the Federal Bureau of  
21 Investigation’s National Crime Information Center.

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Sec. 5. 13 V.S.A. § 7611 is added to read:

§ 7611. UNAUTHORIZED DISCLOSURE

A State or municipal employee or contractor or any agent of the court, including an attorney and an employee or contractor of the attorney, who in the course of their official duties knowingly discloses sealed criminal history record information without authorization shall be assessed a civil penalty of not more than \$1,000.00. Each unauthorized disclosure shall constitute a separate civil violation.

Sec. 5a. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

\* \* \*

(b) The Judicial Bureau shall have jurisdiction of the following matters:

\* \* \*

(30) Violations of 13 V.S.A. § 7611, relating to the unauthorized disclosure of sealed criminal history record information.

\* \* \*

Sec. 6. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

\* \* \*

1 (e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or  
2 Environmental Division of the Superior Court, including motions to reopen  
3 civil suspensions or motions to reopen existing cases in the Probate Division of  
4 the Superior Court, there shall be paid to the clerk of the court for the benefit  
5 of the State a fee of \$90.00 except for small claims actions, estates, and  
6 motions to confirm the sale of property in foreclosure. A filing fee of \$90.00  
7 shall be paid to the clerk of the court for a civil petition for minor settlements.  
8 The \$90.00 filing fee shall only apply for a motion to seal a criminal history  
9 record of a violation of 23 V.S.A. § 1201(a) pursuant to 13 V.S.A.  
10 § 7602(a)(1)(C), but shall not apply for any other motion to seal or expunge a  
11 criminal history record pursuant to 13 V.S.A. § 7602, 33 V.S.A. § 5119(g), or  
12 other applicable records clearance provisions.

13 \* \* \*

14 \* \* \* Correcting Title of Chief Superior Judge \* \* \*

15 Sec. 7. 4 V.S.A. § 21a is amended to read:

16 § 21a. DUTIES OF THE ~~ADMINISTRATIVE~~ CHIEF SUPERIOR JUDGE

17 (a) The ~~Administrative~~ Chief Superior Judge shall assign and specially  
18 assign Superior judges, including ~~himself or herself~~ themselves, and  
19 Environmental judges to the Superior Court. All Superior judges except  
20 Environmental judges shall be subject to the requirements of rotation as

1 ordered by the Supreme Court. Assignments made pursuant to the rotation  
2 schedule shall be subject to the approval of the Supreme Court.

3 (b) In making any assignment under this section, the Administrative Chief  
4 Superior Judge shall give consideration to the experience, temperament, and  
5 training of a judge and the needs of the court. In making an assignment to the  
6 Environmental Division, the Administrative Chief Superior Judge shall give  
7 consideration to experience and expertise in environmental and land use law  
8 and shall assign or specially assign judges in a manner to provide appropriate  
9 attention to all geographic areas of the State.

10 (c) In making any assignments to the Environmental Division under this  
11 section, the Administrative Chief Superior Judge shall regularly assign two  
12 judges, at least one of whom shall be an Environmental judge. An  
13 Environmental judge may be assigned to other divisions in the Superior Court  
14 for a period of time not exceeding two years. When assigned to other  
15 divisions in the Superior Court, the Environmental judge shall have all the  
16 powers and responsibilities of a Superior judge.

17 Sec. 8. 4 V.S.A. § 22 is amended to read:

18 § 22. DESIGNATION AND SPECIAL ASSIGNMENT OF JUDICIAL

19 OFFICERS AND RETIRED JUDICIAL OFFICERS

20 (a)(1) The Chief Justice may appoint and assign a retired Justice or judge  
21 with ~~his or her~~ the Justice's or judge's consent or a Superior or Probate judge

1 to a special assignment on the Supreme Court. The Chief Justice may appoint,  
2 and the ~~Administrative~~ Chief Superior Judge shall assign, an active or retired  
3 Justice or a retired judge, with ~~his or her~~ the Justice's or judge's consent, to  
4 any special assignment in the Superior Court or the Judicial Bureau.

5 (2) The ~~Administrative~~ Chief Superior Judge may appoint and assign a  
6 judge to any special assignment in the Superior Court. As used in this  
7 subdivision, a judge shall include a Superior judge, a Probate judge, a Family  
8 Division magistrate, or a judicial hearing officer.

9 (b) The ~~Administrative~~ Chief Superior Judge may appoint and assign a  
10 member of the Vermont Bar residing within the State of Vermont to serve  
11 temporarily as:

12 (1) an acting judge in Superior Court;

13 (2) an acting magistrate;

14 (3) an acting Probate judge; or

15 (4) an acting hearing officer to hear cases in the Judicial Bureau.

16 \* \* \*

17 (f) In making an appointment under subsection (b) of this section, the  
18 ~~Administrative~~ Chief Superior Judge shall apply the criteria and standards for  
19 judicial appointments contained in section 601 of this title.

1 Sec. 9. 4 V.S.A. § 36 is amended to read:

2 § 36. COMPOSITION OF THE COURT

3 \* \* \*

4 (C) Use of the term “judicial officer” in subdivisions (A) and (B) of  
5 this subdivision (2) shall not be construed to expand a judicial officer’s ~~subject~~  
6 ~~matter~~ subject-matter jurisdiction or conflict with the authority of the Chief  
7 Justice or ~~Administrative~~ Chief Superior Judge to make special assignments  
8 pursuant to section 22 of this title.

9 \* \* \*

10 Sec. 10. 4 V.S.A. § 38 is amended to read:

11 § 38. JUDICIAL MASTERS

12 (a) The ~~Administrative~~ Chief Superior Judge may appoint a licensed  
13 Vermont lawyer who has been engaged in the practice of law in Vermont for at  
14 least the last five years to serve as a Judicial Master. The Judicial Master shall  
15 be an employee of the Judiciary and be subject to the Code of Judicial  
16 Conduct. A Judicial Master shall not engage in the active practice of law for  
17 remuneration while serving in this position. In making this appointment, the  
18 Administrative Judge shall apply the criteria and standards for judicial  
19 appointments contained in section 601 of this title. The Judicial Master may  
20 hear and decide the following matters as designated by the Administrative  
21 Judge:



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Sec. 11. 4 V.S.A. § 71 is amended to read:

§ 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

(e) The Supreme Court shall designate one of the Superior judges to serve as ~~Administrative~~ Chief Superior Judge. The ~~Administrative~~ Chief Superior Judge shall serve at the pleasure of the Supreme Court.

Sec. 12. 4 V.S.A. § 73 is amended to read:

§ 73. ASSIGNMENT

(a) In accordance with the direction of the Supreme Court, the ~~Administrative~~ Chief Superior Judge shall assign the Superior judges among the units and divisions of the Superior Court. The ~~Administrative~~ Chief Superior Judge shall assign a presiding judge to each unit and may assign a judge to preside in more than one unit. In a case where a Superior judge is disqualified or unable to attend any term of court or part thereof to which ~~he or she~~ the Superior Judge has been assigned, the ~~Administrative~~ Chief Superior Judge may assign another Superior judge to act as judge at that term or part thereof for that period during which the assigned judge is disqualified or unable to attend. If during a term of the Superior Court the court in a unit is unable to complete all or part of the work before it in a reasonable time, the ~~Administrative~~ Chief Superior Judge, with the approval of the Supreme Court,

1 may modify judge assignments to reduce delays in that unit. The court shall  
2 publish the judicial rotation schedule in electronic format and distribute it  
3 electronically to attorneys licensed in Vermont.

4 (b) Pursuant to section 21a of this title, the ~~Administrative~~ Chief Superior  
5 Judge shall assign Superior judges to hear and determine Family Court  
6 matters. The ~~Administrative~~ Chief Superior Judge shall ensure that such  
7 hearings are held promptly. Any contested divorce case ~~which~~ that has been  
8 pending for more than one year shall be advanced for prompt hearing upon the  
9 request of any party.

10 (c) As necessary to ensure the efficient operation of the Superior Court, the  
11 presiding judge of the unit may specially assign a Superior judge assigned to a  
12 division in the unit, including the presiding judge, to preside over one or more  
13 cases in a different division. As the ~~Administrative~~ Chief Superior Judge  
14 determines necessary for the operation of the Superior Court throughout the  
15 State, and with the approval of the Supreme Court, the ~~Administrative~~ Chief  
16 Superior Judge may additionally assign for a specified period of time a  
17 Superior judge to preside over a particular type of case, or over a particular  
18 type of motion or other judicial proceeding, in all or part of the units in the  
19 State.

1 Sec. 13. 4 V.S.A. § 111 is amended to read:

2 § 111. SUPERIOR COURT SESSIONS

3 (a) When the business of a Superior Court cannot otherwise be disposed of  
4 with reasonable dispatch, by direction of the ~~Administrative~~ Chief Superior  
5 Judge, there may be held additional sessions of that Superior Court  
6 simultaneously with the regular session consisting of a presiding judge and one  
7 or more assistant judges, if available.

8 (b) A Superior Court may be temporarily recessed or adjourned from the  
9 place designated for holding a regular term or session to another place having  
10 adequate facilities, when the regular facilities at the designated courthouse are  
11 not adequate.

12 (c) The ~~Administrative~~ Chief Superior Judge may assign assistant judges,  
13 with their consent, to a special assignment in a court where they have  
14 jurisdiction in another county when assistant judges of that county are  
15 unavailable or the business of the courts so requires.

16 Sec. 14. 4 V.S.A. § 115 is amended to read:

17 § 115. STATED TERMS OF SUPERIOR COURT

18 The Superior Court shall operate continuously irrespective of the term in  
19 which events occur. Terms are designated for purposes of determining the  
20 rotation schedule of Superior judges and the responsibility of a Superior judge  
21 once a term has expired. When at the expiration of a term a Superior judge is

1 no longer assigned to a specified unit, the judge shall complete any matters  
2 that have been heard or taken under advisement for that unit. The  
3 ~~Administrative~~ Chief Superior Judge, pursuant to rules of the Supreme Court,  
4 may specially assign a Superior judge to continue to preside over one or more  
5 cases even though the judge is no longer assigned to the unit of origin of the  
6 case or cases. In the absence of such a direction or of an assignment made  
7 pursuant to subsection 73(c) of this title, a judge who at the end of a term is no  
8 longer assigned to a unit shall have no further responsibility for cases in that  
9 unit.

10 Sec. 15. 4 V.S.A. § 272 is amended to read:

11 § 272. PROBATE DISTRICTS; PROBATE JUDGES

12 \* \* \*

13 (c) The ~~Administrative~~ Chief Superior Judge may specially assign a  
14 Probate judge to hear a case in a geographical district other than the district for  
15 which the Probate judge was elected.

16 Sec. 16. 4 V.S.A. § 461a is amended to read:

17 § 461a. ESSEX COUNTY; POWERS OF ASSISTANT JUDGES AND  
18 MAGISTRATES IN FAMILY COURT PROCEEDINGS

19 \* \* \*

1 (b) The ~~Administrative~~ Chief Superior Judge may appoint and may  
2 specially assign a magistrate to serve as the presiding judge in the Family  
3 Division of the Superior Court in Essex County.

4 \* \* \*

5 Sec. 17. 4 V.S.A. § 461c is amended to read:

6 § 461c. POWERS OF ASSISTANT JUDGES IN DIVORCE

7 PROCEEDINGS

8 \* \* \*

9 (c) Prior to hearing an uncontested domestic matter, an assistant judge shall  
10 sit with a Superior judge on domestic proceedings for a minimum of 100  
11 hours, satisfactorily complete a minimum of 30 hours of training on subjects  
12 relevant to domestic proceedings and the Code of Judicial Conduct, and  
13 conduct a minimum of three uncontested domestic hearings with a Superior  
14 judge who shall, in ~~his or her~~ the Superior judge's sole discretion, certify to  
15 the ~~Administrative~~ Chief Superior Judge that the assistant judge is qualified to  
16 preside over matters under this section. Upon application of an assistant judge,  
17 some or all of these requirements may be waived by the ~~Administrative~~ Chief  
18 Superior Judge based on equivalent experience. The requirements set forth  
19 herein shall only apply to assistant judges who elect to conduct uncontested  
20 final hearings in domestic cases after July 1, 2010. An assistant judge already

1 conducting hearings under this section as of July 1, 2010 shall be deemed to  
2 have complied with these requirements.

3 Sec. 18. 4 V.S.A. § 906 is amended to read:

4 § 906. CONFLICTING APPOINTMENTS, EXCUSE FROM ATTENDING  
5 BY ~~ADMINISTRATIVE~~ CHIEF SUPERIOR JUDGE

6 When an attorney is required to attend more than one trial, hearing, or other  
7 proceeding before a court or commission having judicial or quasi-judicial  
8 functions, or both, at times which conflict so that ~~he or she~~ the attorney cannot  
9 reasonably attend each appointment, the attorney may request the  
10 ~~Administrative~~ Chief Superior Judge to designate which appointment ~~he or she~~  
11 the attorney shall attend. The ~~Administrative~~ Chief Superior Judge shall  
12 designate the appointment the attorney shall attend and shall notify the  
13 presiding magistrate of each court and commission of ~~his or her~~ the Justice's  
14 or judge's decision. The attorney shall be excused from attending at that time  
15 any proceedings other than the one designated by the ~~Administrative~~ Chief  
16 Superior Judge, and the other proceedings shall be rescheduled.

17 Sec. 19. 4 V.S.A. § 1001 is amended to read:

18 § 1001. ENVIRONMENTAL DIVISION

19 \* \* \*

20 (b) Two environmental judges shall be appointed to hear matters in the  
21 Environmental Division and to hear other matters in the Superior Court when

1 so assigned by the ~~administrative judge~~ Chief Superior Judge pursuant to  
2 subsection 21a(c) of this title.

3 Sec. 20. 4 V.S.A. § 1104 is amended to read:

4 § 1104. APPOINTMENT OF HEARING OFFICERS

5 The ~~Administrative~~ Chief Superior Judge shall appoint members of the  
6 Vermont Bar to serve as hearing officers to hear cases. Hearing officers shall  
7 be subject to the Code of Judicial Conduct.

8 Sec. 21. 4 V.S.A. § 1108 is amended to read:

9 § 1108. JUDICIAL BUREAU VIOLATIONS; JURISDICTION OF  
10 ASSISTANT JUDGES

11 \* \* \*

12 (c) The ~~Administrative~~ Chief Superior Judge may assign or direct  
13 assignment of an assistant judge with ~~his or her~~ the assistant judge's consent to  
14 hear matters in the Judicial Bureau within the county in which the assistant  
15 judge presides or in a county other than the county in which the assistant judge  
16 presides if the assistant judge has elected to hear and decide such matters.

17 Sec. 22. 12 V.S.A. § 5538 is amended to read:

18 § 5538. APPEALS

19 Any party may appeal from a small claims judgment to Superior Court.  
20 The ~~Administrative~~ Chief Superior Judge shall assign the appeal to a Superior  
21 judge who shall not have participated in any way in the decision being

1 appealed. The appeal shall be heard and decided, based on the record made in  
2 the small claims procedure. No appeal as of right exists to the Supreme Court.  
3 On motion made to the Supreme Court by a party to the action, the Supreme  
4 Court may allow an appeal from the Superior Court.

5 Sec. 23. 12 V.S.A. § 5540a is amended to read:

6 § 5540a. JURISDICTION OVER SMALL CLAIMS; ASSISTANT JUDGES

7 \* \* \*

8 (d) An assistant judge upon successful completion of the training under  
9 subsection (b) of this section, shall cause the Superior Court clerk to notify the  
10 Court Administrator of the assistant judge's successful completion of training.  
11 Upon receipt of such notification, small claims cases ~~which~~ that require a  
12 hearing shall first be set for hearing before an assistant judge in the Superior  
13 Court in the county and shall be heard by the assistant judge. If the assistant  
14 judge is unavailable due to illness, vacation, administrative leave, disability, or  
15 disqualification, the ~~Administrative~~ Chief Superior Judge pursuant to 4 V.S.A.  
16 § 22 may assign a judge, or appoint and assign a member of the Vermont bar  
17 to serve temporarily as an acting judge, to hear small claims cases in the  
18 county. No action filed or pending shall be heard at or transferred to any other  
19 location unless agreed to by the parties. If both assistant judges of the county  
20 elect to successfully complete training to hear these matters, the senior  
21 assistant judge shall make the assignment of cases to be heard by each assistant



1 judge. The assistant judges, once qualified to preside in these matters, shall  
2 work with the Court Administrator's office and the ~~Administrative~~ Chief  
3 Superior Judge such that the scheduling of small claims cases before the  
4 assistant judges are at such times as to permit adequate current court personnel  
5 to be available when these cases are heard.

6 \* \* \*

7 Sec. 24. 13 V.S.A. § 5451 is amended to read:

8 § 5451. CREATION OF COMMISSION

9 (a) The Vermont Sentencing Commission is established for the purpose of  
10 overseeing criminal sentencing practices in the State, reducing geographical  
11 disparities in sentencing, and making recommendations regarding criminal  
12 sentencing to the General Assembly.

13 (b) The Commission shall consist of the following members:

14 (1) the Chief Justice of the Vermont Supreme Court or designee;

15 (2) the Chief Superior Judge or designee, provided that the designee is a  
16 sitting or retired Vermont judge;

17 (3) a ~~District or~~ Superior Court Judge with substantial criminal law  
18 experience appointed by the ~~administrative judge~~ Chief Superior Judge;

19 (4) the Chair of the Senate Committee on Judiciary;

20 (5) the Chair of the House Committee on Judiciary;

21 (6) the Attorney General or designee;

1 (7) the Defender General or designee;

2 (8) the Executive Director of the Department of State's Attorneys and  
3 Sheriffs or designee;

4 (9) the Appellate Defender;

5 (10) a State's Attorney appointed by the Executive Director of the  
6 Department of State's Attorneys and Sheriffs;

7 (11) a staff public defender with experience in juvenile defense matters  
8 appointed by the Defender General;

9 (12) an attorney with substantial criminal law experience appointed by  
10 the Vermont Bar Association;

11 (13) the Commissioner of Corrections or designee;

12 (14) the Commissioner of Public Safety or designee;

13 (15) the Executive Director of the Vermont Center for Crime Victim  
14 Services or designee;

15 (16) the Executive Director of the Vermont Crime Research Group; and

16 (17) one member of the public appointed by the Governor.

17 \* \* \*

18 Sec. 25. 24 V.S.A. § 139 is amended to read:

19 § 139. ASSISTANT JUDGE JUDICIAL EDUCATION

20 The assistant judges, either collectively or through a duly authorized

21 committee of assistant judges established by a majority vote of the assistant

1 judges after consultation with the ~~administrative judge~~ Chief Superior Judge,  
2 shall, by majority vote:

3 (1) identify the training needs of assistant judges, including needs ~~which~~  
4 that are required by law; and

5 (2) design, organize, and implement training for assistant judges,  
6 including training ~~which~~ that is required by law.

7 Sec. 26. 24 V.S.A. § 3211 is amended to read:

8 § 3211. DETERMINATION OF NECESSITY

9 \* \* \*

10 (b) The Superior Court judge to whom the petition is presented shall fix the  
11 time for hearing, which shall not be more than 60 nor less than 40 days from  
12 the date the judge signs such order. Likewise, the judge shall fix the place for  
13 hearing, which shall be the county courthouse or any other place within the  
14 county in which the land in question is located. If the Superior Court judge to  
15 whom the petition is presented cannot hear the petition at the time set therefor,  
16 the judge shall call upon the ~~administrative judge~~ Chief Superior Judge to  
17 assign another Superior Court judge to hear the cause at the time and place  
18 assigned in the order.

19 \* \* \*

1 Sec. 27. 24 V.S.A. § 3605 is amended to read:

2 § 3605. HEARING TO DETERMINE NECESSITY

3 The judge to whom such petition is presented shall fix the time for hearing,  
4 which shall not be more than 60 nor less than 30 days from the date ~~he or she~~  
5 the judge signs such order. Likewise, ~~he or she~~ the judge shall fix the place for  
6 hearing, which shall be the county courthouse or any other convenient place  
7 within the county in which the land in question is located. If the Superior  
8 judge to whom such petition is presented cannot hear the petition at the time  
9 set therefore, ~~he or she~~ the Superior judge shall call upon the ~~Administrative~~  
10 Chief Superior Judge to assign another Superior judge to hear such cause at the  
11 time and place assigned in the order.

12 Sec. 28. 32 V.S.A. § 8361 is amended to read:

13 § 8361. GENERAL RULES FOR APPEALS

14 (a) A party aggrieved, including the State represented by the State  
15 Treasurer, on or before February 15 following such an appraisal, may appeal  
16 therefrom to a Superior judge designated by the ~~administrative judge~~ Chief  
17 Superior Judge, not excluding ~~himself or herself~~ themselves, who shall hear  
18 such appeal.

19 \* \* \*

1 Sec. 29. 32 V.S.A. § 9272 is amended to read:

2 § 9272. SUSPENSION AND REVOCATION OF LICENSES; APPEAL

3 \* \* \*

4 (b) Any operator aggrieved by such suspension, revocation, or refusal may  
5 appeal therefrom to any Superior judge within 10 days after written notice of  
6 such suspension, revocation, or refusal has been mailed or delivered to ~~him or~~  
7 ~~her~~ the operator. Such Superior judge or another Superior judge designated by  
8 the ~~administrative judge~~ Chief Superior Judge shall hear such appeal forthwith.

9 \* \* \*

10 Sec. 30. 32 V.S.A. § 9816 is amended to read:

11 § 9816. SUSPENSION OR REVOCATION OF CERTIFICATES; APPEAL

12 \* \* \*

13 (b) Any person required to collect the tax aggrieved by a suspension,  
14 revocation, or refusal may appeal therefrom to any Superior judge within  
15 10 days after written notice of the suspension, revocation, or refusal has been  
16 mailed or delivered to ~~him or her~~ the person. The Superior judge or another  
17 Superior judge designated by the ~~administrative judge~~ Chief Superior Judge  
18 shall hear the appeal forthwith.

19 \* \* \*

1           \* \* \* Report on Collection of Racial Data in Civil Court Filings \* \* \*

2           Sec. 31. REPORT BY CHIEF SUPERIOR JUDGE ON COLLECTION OF  
3                           RACIAL DATA IN CIVIL COURT FILINGS

4           On or before December 1, 2022, the Chief Superior Judge shall report to  
5           the House and Senate Committees on Judiciary on practices for the collection  
6           of racial demographic data in civil court filings. The report shall describe  
7           whether and in what manner data about the race of parties in civil court  
8           actions, including eviction and debt collection proceedings, is collected by  
9           courts in Vermont and other jurisdictions. The report may include  
10           recommendations for future practices and strategies to collect racial  
11           demographic data for civil court filings in Vermont. A copy of the report shall  
12           be sent to the Executive Director of Racial Equity.

13                           \* \* \* Sunset Extensions \* \* \*

14           Sec. 32. 2017 Acts and Resolves No. 142, Sec. 5, as amended by 2021 Acts  
15           and Resolves No. 65, Sec. 4, is further amended to read:

16           Sec. 5. REPEAL

17           13 V.S.A. §§ 5451 (creation of Vermont Sentencing Commission) and 5452  
18           (creation of Vermont Sentencing Commission) shall be repealed on July 1,  
19           ~~2022~~ 2023.

20           Sec. 33. 2013 Acts and Resolves No. 69, Sec. 3, subsection (b), as amended  
21           by 2015 Acts and Resolves No. 32, Sec. 1, as further amended by 2016 Acts

1 and Resolves No. 169, Sec. 6, 2018 Acts and Resolves No. 175, Sec. 1, and  
2 2020 Acts and Resolves No. 134, Sec. 3 (July 1, 2022 repeal of Automated  
3 License Plate Recognition system standards), is further amended to read:

4 (b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on  
5 July 1, ~~2022~~ 2024.

6 Sec. 34. EFFECTIVE DATE

7 This act shall take effect on passage.