

# House Calendar

Friday, March 12, 2021

66th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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**ORDERS OF THE DAY**

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**Action Postponed Until March 16, 2021**

**Favorable with Amendment**

**H. 227**

An act relating to approval of amendments to the charter of the City of Winooski

**Rep. Colston of Winooski**, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendment to the charter of the City of Winooski as set forth in this act. Voters approved the proposal of amendment on November 3, 2020.

Sec. 2. 24 App. V.S.A. chapter 19 is amended to read:

CHAPTER 19. CITY OF WINOOSKI

\* \* \*

§ 105. POWER OVER WATER RESOURCES

(a) No ~~citizen person~~, association of ~~citizens persons~~, ~~domestic corporation corporate entity~~, or municipality, or any combination thereof, may develop, conserve, or use in whole or in part the water resources of the Winooski River as it flows through the City of Winooski for a water power project located in whole or in part in the City of Winooski without obtaining the approval of the City Council of the City of Winooski in addition to any other necessary State or federal agency approvals.

\* \* \*

§ 201. CITY MEETINGS

The annual City meeting shall occur on the first Tuesday in March, and shall be warned in the manner provided by general law. Special City meetings shall be called and warned as provided by general law. All elections, voter registration and qualifications, absentee voting, and the conduct of ~~such~~ City meetings shall be controlled by ~~general law~~ section 202 of this charter. All matters shall be considered by Australian ballot.

§ 202. QUALIFIED VOTERS

(a) Voter registration, ~~qualification~~, absentee voting, and conduct of elections at all annual and special meetings shall be as provided by general law. The qualifications of voters in State and federal elections shall be as provided by general law. The qualifications of voters in the City meetings shall be the same as those prescribed by law for voters in town meetings and all municipal elections shall be as set forth in subsection (b) of this section.

(b) Notwithstanding 17 V.S.A. § 2121(a)(1), any person, including persons who are non-U.S. citizens, may register to vote in any City meeting or municipal election who, on election day:

- (1) is a legal resident of the City;
- (2) has taken the Voter's Oath; and
- (3) is 18 years of age or older.

(c) As used in subdivision (b)(1) of this section, "legal resident of the City" means any person who is a resident of the City and is a United States citizen or resides in the United States on a permanent or indefinite basis in compliance with federal immigration laws.

(d) The City Clerk shall maintain a voter checklist for City meetings and municipal elections, in accordance with subsection (b) of this section, and shall keep the City checklist separate and apart from the voter checklist maintained for State and federal elections.

(e) The voter checklists maintained by the City Clerk for municipal, State, and federal elections shall be subject to the protections given to the Statewide voter checklists pursuant to 17 V.S.A. § 2154.

\* \* \*

## § 205. NOMINATIONS IN GENERAL

~~Nominations for the office of Mayor and Councilor shall be made by petitions which shall be filed with the City Clerk not less than 30 days nor more than 40 days before an annual City election or a special City election called for that purpose. The petition shall state the name of the candidate, the candidate's residence, and the office sought, and shall be signed by at least 50 legal voters of the City qualified to vote at the time the petition is filed petition, prepared and filed in accordance with the provisions of 17 V.S.A. §§ 2681 and 2681a. The petitions shall contain no party designations. A person shall not sign more than one petition for each individual office to be filled. The City Clerk shall cause the names of the persons so nominated to be printed on a ballot in alphabetical arrangement according to surname, and~~

sample ballots shall be posted in at least three public places at least ten days before election.

\* \* \*

§ 304. GENERAL POWERS AND DUTIES

\* \* \*

(b) Additional powers. In addition to powers otherwise conferred upon it by law, the City, by the action of the Council or, if specifically required by law or this charter, by the action of its voters, has the following powers and rights, including:

\* \* \*

(7) To provide for ~~citizen~~ resident participation in appropriate departments.

\* \* \*

§ 305. PROHIBITIONS; CONFLICT OF INTEREST

(a) Holding other office. Except where authorized by law, no councilor shall hold any other City office or City employment during the term of election to the Council. ~~Notwithstanding any charter provision to the contrary, a paid or unpaid volunteer member of the Fire Department, other than an officer or member of the Department appointed directly by the City Manager, may serve as a member of the City Council.~~

\* \* \*

§ 506. CITY OFFICERS; APPOINTMENT OF

\* \* \*

(c) Officers. In accordance with the provisions of this section, the City Manager shall appoint the following, who shall hold office at the will of the City Manager:

\* \* \*

- (10) an Emergency Management Coordinator; ~~and~~
- (11) a Human Resources Director; and
- ~~(11)~~(12) other officers required by law.

\* \* \*

§ 602. ~~CITIZEN~~ RESIDENT ENGAGEMENT

\* \* \*

(d) All unpaid appointments of ~~citizens~~ residents to the boards, committees, commissions, and agencies shall be for a term certain. ~~Citizens Residents~~ once appointed to a term may only be removed for cause or after unanimous vote by the City Council. If ad hoc committees are created, the appointment will cease upon completion of the Committee's task.

#### § 603. PERSONNEL SYSTEM

\* \* \*

~~(b) Personnel Director. There shall be a Personnel Director who shall administer the personnel system of the City. The Personnel Director shall be the City Manager. The Personnel Director shall be responsible for collective bargaining and administration of negotiated contracts subject to approval by the City Council. [Repealed.]~~

(c) [Repealed.]

(d) Personnel policies. ~~The Personnel Director~~ City Manager shall prepare personnel policies. The personnel rules shall be proposed to the Council, and the Council may adopt them with or without amendment. These rules shall provide for:

\* \* \*

#### § 717. TAX CLASSIFICATION

(a) Except for the property of utilities subject to regulation by the Vermont Public Utility Commission, all personal and real property set out in the grand list that is not used as residential property, farmland, and ~~vacant land zoned "recreation, conservation, and open space (RCO)"~~ public recreation, conservation, or open space lands shall be classified as nonresidential property and shall be ~~assessed at~~ taxed by applying the tax rate on 120 percent of ~~fair market~~ the assessed value of the property; and further provided that inventories shall no longer be set out in the grand list of the City as taxable personal estate. Properties upon which in-lieu-of-tax payments are made shall be likewise classified and assessed for the purposes of such payments.

\* \* \*

#### § 903. OATH OF OFFICE

All elective officials of the City shall, before assuming office, take, subscribe, and file with the City Clerk the following oath:

"I \_\_\_\_\_ solemnly swear or affirm, under penalty of law, that I will faithfully execute the Office of \_\_\_\_\_ of the City of Winooski to the best

of my judgment and abilities, according to law, ~~so help me God or I so affirm.~~”

\* \* \*

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

( **Committee Vote: 8-3-0**)

**H. 366**

An act relating to 2021 technical corrections

**Rep. Hooper of Burlington**, for the Committee on Government Operations, recommends the bill be amended as follows:

First: By striking out Secs. 136 through 145 in their entirety and inserting in lieu thereof the following:

Sec. 136. [Deleted.]

Sec. 137. [Deleted.]

Sec. 138. [Deleted.]

Sec. 139. [Deleted.]

Sec. 140. [Deleted.]

Sec. 141. [Deleted.]

Sec. 142. [Deleted.]

Sec. 143. [Deleted.]

Sec. 144. [Deleted.]

Sec. 145. [Deleted.]

Second: In Sec. 146, 20 V.S.A. § 1543, by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) ~~the spouses of such service-connected disabled ex-servicemen or women as ex-service personnel who~~ have themselves been unable to qualify for any civil service appointment by reason of their disability;

Third: By striking out Sec. 177, 20 V.S.A. § 2861, in its entirety and inserting in lieu thereof a new Sec. 177 to read as follows:

§ 2861. GENERALLY

When it may seem to be for the public good, the ~~fire marshal~~ Fire Marshal shall personally visit and investigate any fire in accordance with the provisions of this chapter and he shall be repaid ~~all~~ for any related expenses ~~incident thereto~~ out of the funds ~~provided for in section 2687 of this title~~ appropriated to the Division of Fire Safety.

Fourth: In Sec. 193, 20 V.S.A. § 3349, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) A person who owns or keeps a stallion over one year of age, between April 1 and December 1, in a private enclosure in ~~such a manner as to disturb and annoy~~ that disturbs and annoys the owner or occupant of adjoining premises shall be fined \$5.00 for each week ~~he so keeps such~~ that the owner or keeper keeps the stallion after he the owner or keeper has received three days' notice from an adjoining owner or occupant to remove ~~such~~ the stallion.

**( Committee Vote: 11-0-0)**

#### **Favorable**

#### **H. 10**

An act relating to permitted candidate expenditures

**Rep. Gannon of Wilmington**, for the Committee on Government Operations, recommends the bill ought to pass.

**( Committee Vote: 11-0-0)**

#### **H. 337**

An act relating to the printing and distribution of State publications.

**(Rep. Lefebvre of Orange** will speak for the Committee on Government Operations.)

**Rep. Townsend of South Burlington**, for the Committee on Appropriations, recommends the bill ought to pass.

**(Committee Vote: 11-0-0)**

### **ACTION CALENDAR**

#### **Third Reading**

#### **H. 133**

An act relating to emergency relief from abuse orders and relinquishment of firearms



**H. 420**

An act relating to miscellaneous agricultural subjects

**H. 421**

An act relating to animal cruelty investigation response and training

**Favorable with Amendment**

**H. 87**

An act relating to establishing a classification system for criminal offenses

**Rep. LaLonde of South Burlington**, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

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.

§ 52. SENTENCES OF IMPRISONMENT

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

(1) Class A: life imprisonment.

(2) Class B: imprisonment for 20 years.

(3) Class C: imprisonment for 10 years.

(4) Class D: imprisonment for five years.

(5) Class E: imprisonment for three years.

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

(1) Class A: imprisonment for two years.

(2) Class B: imprisonment for one year.

(3) Class C: imprisonment for six months.

(4) Class D: imprisonment for 30 days.

(5) Class E: no term of imprisonment.

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

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

#### § 53. FINES

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

(1) Class A: \$100,000.00.

(2) Class B: \$50,000.00.

(3) Class C: \$25,000.00.

(4) Class D: \$10,000.00.

(5) Class E: \$7,500.00.

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

(1) Class A: \$5,000.00.

(2) Class B: \$2,500.00.

(3) Class C: \$1,000.00.

(4) Class D: \$500.00.

(5) Class E: \$250.00.

(c) When determining the amount of a fine and the method of payment, the court shall consider, based on all financial information available to the court, including information provided by the offender:

(1) the defendant's present and future financial ability to pay the fine; and

(2) the nature of the financial burden that payment of the fine will impose on the defendant and any dependents of the defendant.

#### § 54. TRANSITIONAL PROVISIONS

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

(1) Felonies.

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

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

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

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

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

(2) Misdemeanors.

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

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

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

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

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

§ 55. CLASSIFICATION OF PROPERTY OFFENSES

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

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

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

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

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

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

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

§ 9. ATTEMPTS

(a) A person who attempts to commit an offense and does an act toward the commission thereof, but by reason of being interrupted or prevented fails in the execution of the same, shall be punished as herein provided unless other express provision is made by law for the punishment of the attempt. If the offense attempted to be committed is murder, aggravated murder, kidnapping, arson causing death, human trafficking, aggravated human trafficking, aggravated sexual assault, or sexual assault, a person shall be punished as the offense attempted to be committed is by law punishable.

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

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

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

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

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

§ 4043. FRAUDULENT USE

(a) A person shall not with intent to defraud, obtain, or attempt to obtain money, property, services, or any other thing of value, by the use of a credit card which he or she knows, or reasonably shall have known, to have been stolen, forged, revoked, cancelled, unauthorized, or invalid for use by him or her for such purpose.

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

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

§ 4044. PENALTY

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

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

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

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

A person who wittingly, falsely, and deceitfully makes, alters, forges, or counterfeits, or wittingly, falsely, or deceitfully causes to be made, altered, forged, or counterfeited, or procures, aids, or counsels the making, altering, forging, or counterfeiting, of a writ, process, public record, or any certificate, return, or attestation of a clerk of a court, public register, notary public, justice, or other public officer, in relation to a matter wherein such certificate, return, or attestation may be received as legal proof, or a charter, deed, or any evidence or muniment of title to property, will, terminal care document, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange, promissory note, or an order drawn on a person or corporation, or on a State, county, or town or school district treasurer, for money or other property, or an acquittance or discharge for money or other property, or an acceptance of a bill of exchange, or indorsement or assignment of a bill of exchange or promissory note, for the payment of money, or any accountable receipt for money, goods, or other property, or certificate of stock, with intent to injure, or defraud a person, shall be ~~imprisoned not more than 10 years and fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

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

§ 1802. UTTERING FORGED OR COUNTERFEITED INSTRUMENT

A person who utters and publishes as true a forged, altered, or counterfeited record, deed, instrument, or other writing mentioned in section 1801 of this

title, knowing the same to be false, altered, forged, or counterfeited, with intent to injure or defraud a person, shall be ~~imprisoned not more than 10 years and fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

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

§ 1804. COUNTERFEITING PAPER MONEY

A person who falsely makes, alters, forges, or counterfeits, or procures to be made, altered, forged, or counterfeited, or aids or assists in making, altering, forging, or counterfeiting, a note, or imitation of, or purporting to be a note issued by the United States, used as currency, or a bank bill or promissory note, or imitation of, or purporting to be a bank bill or promissory note, issued by a banking company incorporated by the Congress of the United States or by the legislature of a state of the United States or of another country, with intent to injure or defraud a person; and a person who utters, passes, or gives in payment, or offers to pass or give in payment, or procures to be offered, passed, or given in payment, or has in his or her possession with intent to offer, pass, or give in payment, such altered, forged, counterfeited, or imitated note, bank bill, or promissory note, knowing the same to be altered, forged, counterfeited, or imitated, shall be ~~imprisoned not more than 14 years and fined not more than \$1,000.00, or both~~ commits a Class D felony.

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

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

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

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

\* \* \*

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

§ 2001. FALSE PERSONATION

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

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

§ 2002. FALSE PRETENSES OR TOKENS

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

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

§ 2029. HOME IMPROVEMENT FRAUD

\* \* \*

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

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

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

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

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

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

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

\* \* \*

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

§ 2030. IDENTITY THEFT

\* \* \*

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

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

\* \* \*

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

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

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

(3) ~~for a second or subsequent offense, regardless of the value of the benefit wrongfully obtained, be imprisoned not more than five years or fined not more than \$20,000.00, or both~~ be sentenced pursuant to sections 52, 53, and 55 of this title.

\* \* \*

Sec. 14. 13 V.S.A. § 2501 is amended to read:

§ 2501. GRAND AND PETIT LARCENY



A person who steals from the actual or constructive possession of another, other than from his or her person, money, goods, chattels, bank notes, bonds, promissory notes, bills of exchange or other bills, orders, or certificates, or a book of accounts for or concerning money, or goods due or to become due or to be delivered, or a deed or writing containing a conveyance of land, or any other valuable contract in force, or a receipt, release or defeasance, writ, process, or public record, shall be ~~imprisoned not more than 10 years or fined not more than \$5,000.00, or both, if the money or other property stolen exceeds \$900.00 in value~~ sentenced pursuant to sections 52, 53, and 55 of this title.

Sec. 15. 13 V.S.A. § 2502 is amended to read:

§ 2502. ~~PETIT LARCENY~~

~~For offenses mentioned in section 2501 of this title where the money or other property stolen does not exceed \$900.00 in value, the court may sentence the person convicted to imprisonment for not more than one year or to pay a fine of not more than \$1,000.00, or both. [Repealed.]~~

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

§ 2503. LARCENY FROM THE PERSON

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

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

§ 2531. EMBEZZLEMENT GENERALLY

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

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

~~value, the person shall be imprisoned not more than 10 years or fined not more than \$10,000.00, or both.~~

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

§ 2532. OFFICER OR SERVANT OF INCORPORATED BANK

A cashier or other officer, agent, or servant of an incorporated bank who embezzles or fraudulently converts to his or her own use bullion, money, notes, bills, obligations, or securities or other effects or property belonging to and in the possession of such bank or belonging to any person and deposited therein, shall be guilty of larceny and ~~shall be imprisoned not more than 10 years or fined not more than \$1,000.00, or both~~ commits a Class D felony.

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

§ 2533. RECEIVER OR TRUSTEE

A receiver or trustee appointed by the court in any litigation in this State, who embezzles or fraudulently converts to his or her own use any money or other property in his or her hands as such receiver or trustee, shall be guilty of larceny and ~~shall be imprisoned not more than 10 years or fined not more than \$1,000.00, or both~~ commits a Class D felony.

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

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

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

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

§ 2561. PENALTY FOR RECEIVING STOLEN PROPERTY; VENUE

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

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

\* \* \*

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

§ 2575a. ORGANIZED RETAIL THEFT

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

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

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

§ 2577. PENALTY

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

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

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

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

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

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

§ 2582. THEFT OF SERVICES

(a) A person who purposely obtains services that he or she knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the service shall ~~if the services exceed~~

~~\$900.00 in value be imprisoned for not more than 10 years or fined not more than \$5,000.00, or both. Otherwise, a person who violates a provision of this subsection shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both~~ be sentenced pursuant to sections 52, 53, and 55 of this title. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels, restaurants, and transportation, refusal to pay or absconding without payment or offer to pay gives rise to a rebuttable presumption that the service was obtained by deception as to intention to pay.

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

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

§ 2591. THEFT OF RENTED PROPERTY

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

(1) ~~if the value of the property involved is \$900.00 or less, imprisoned not more than six months or fined not more than \$500.00, or both; for a first offense, sentenced pursuant to sections 52, 53, and 55 of this title, provided that the sentence shall not exceed the penalty for a Class C misdemeanor; or~~

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

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

(B) ~~imprisoned for not more than five years or fined not more than \$5,000.00 if the person has been previously convicted of a violation of this subdivision (a)(2) of this section for a second or subsequent offense, sentenced~~

pursuant to sections 52, 53, and 55 of this title, provided that the sentence shall not exceed the penalty for a Class D felony.

\* \* \*

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

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

\* \* \*

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

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

§ 3016. FALSE CLAIM

\* \* \*

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

\* \* \*

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

§ 3606a. TRESPASS; CRIMINAL PENALTY

(a) No person shall knowingly or recklessly:

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

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

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

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

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

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

§ 3701. UNLAWFUL MISCHIEF

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

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

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

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

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

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

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

§ 3705. UNLAWFUL TRESPASS

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

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

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

(C) in the case of abandoned property:

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

(ii) actual communication by a law enforcement officer.

\* \* \*

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

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

\* \* \*

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

#### § 3732. UNAUTHORIZED REMOVAL OF BOOKS FROM LIBRARY

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

other half to the use of one-half shall be paid to the treasury liable for the costs of prosecution.

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

§ 3733. MILLS, DAMS OR BRIDGES

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

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

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

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

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

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

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

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

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

§ 3739. OPERATION OF VEHICLES ON STATE OWNED LAND

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

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

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

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

\* \* \*

(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.

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

§ 3767. PENALTIES

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

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

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

§ 3771. DISTURBING A FUNERAL SERVICE

\* \* \*

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

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

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

§ 3781. TAPPING GAS PIPES WITH INTENT TO DEFRAUD

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

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

§ 3782. TAPPING ELECTRIC LINES; INJURIES TO ELECTRIC PLANTS

A person who willfully commits or causes to be committed an act with intent to injure a machine, apparatus, or structure appertaining to the works of a person, firm, association, or corporation engaged in manufacturing, selling, or distributing electrical energy in this State, or whereby such works may be stopped, obstructed, or injured, or who taps an electrical line of a person, firm, association, or corporation so that electricity can be taken therefrom, or knowingly uses electricity taken from such line without the consent of such person, firm, association, or corporation, ~~shall be imprisoned not more than two years or fined not more than \$300.00, or both~~ commits a Class A misdemeanor. Such person shall also be liable to such person, firm, association, or corporation or to anyone injured for actual damages, with full costs, in a civil action on this statute.

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

§ 3784. INTERFERING WITH METERS

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

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

§ 3785. INJURING LIGHTS IN STREETS AND PUBLIC BUILDINGS

A person who willfully and maliciously breaks the glass about a street lamp or gaslight, or a lamp or gaslight in the grounds about a public building, or, without authority, lights such a lamp or gaslight or extinguishes the same when lighted, or in any manner interferes therewith, or injures any part of the fixtures supporting such lamp or gaslight, or defaces the same by painting or posting notices thereon, or fastens a horse or animal thereto, ~~shall be imprisoned not more than three months or fined not more than \$50.00, or both~~ commits a Class D misdemeanor.

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

§ 3786. TAPPING CABLE TELEVISION SYSTEMS; DAMAGE TO  
EQUIPMENT

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

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

§ 3831. CUTTING ICE AND NOT FENCING HOLE

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

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

§ 3833. UNLAWFUL TAKING OF TANGIBLE PERSONAL PROPERTY;  
PENALTY

A person who, without the consent of the owner, takes and carries away or causes to be taken and carried away any tangible personal property with the intent of depriving the owner temporarily of the lawful possession of his or her property ~~shall be fined not more than \$100.00~~ commits a Class E

misdemeanor. This section shall not be construed to limit or restrict prosecutions for larceny or theft.

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

§ 3834. REMOVAL OF SURVEYING MONUMENTS

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

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

§ 4102. UNAUTHORIZED ACCESS

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

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

§ 4103. ACCESS TO COMPUTER FOR FRAUDULENT PURPOSES

\* \* \*

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

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

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

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

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

§ 4104. ALTERATION, DAMAGE, OR INTERFERENCE

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

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

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

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

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

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

§ 4105. THEFT OR DESTRUCTION

(a)(1) A person shall not intentionally and without claim of right deprive the owner of possession, take, transfer, copy, conceal, or retain possession of, or intentionally and without lawful authority, destroy any computer system, computer network, computer software, computer program, or data contained in such computer, computer system, computer program, or computer network.

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

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

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

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

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

Sec. 51. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

( Committee Vote: 11-0-0)

**Action Under Rule 52**

**J.R.S. 18**

Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and three Magistrates

(For text see House Journal March 11, 2021)

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 46**

An act relating to miscellaneous provisions of mental health law

**Rep. Donahue of Northfield**, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7503 is amended to read:

§ 7503. APPLICATION FOR VOLUNTARY ADMISSION

\* \* \*

(b) Before the person may be admitted as a voluntary patient, he or she shall give his or her consent in writing on a form adopted by the Department. The consent shall include a representation that:

(1) the person understands that his or her treatment will involve inpatient status;

(2) ~~that he or she~~ the person desires to be admitted to the hospital, ~~and;~~

(3) ~~that he or she~~ the person consents to admission voluntarily, without any coercion or duress; ~~and~~

(4) the person understands that inpatient treatment may be on a locked unit and a requested discharge may be deferred if the treating physician determines that the person is a person in need of treatment pursuant to section 7101 of this title.

\* \* \*

Sec. 2. 18 V.S.A. § 7701 is amended to read:

§ 7701. NOTICE OF RIGHTS

The head of a hospital shall provide reasonable means and arrangements, including the posting of excerpts from relevant statutes, for informing patients of their right to discharge and other rights and for assisting them in making and presenting requests for discharge or for application to have the patient's status changed from involuntary to voluntary.

Sec. 3. 18 V.S.A. § 7703 is amended to read:

§ 7703. TREATMENT

\* \* \*

(b) The Department shall establish minimum standards for adequate treatment as provided in this section, including requirements that, when possible, psychiatric unit staff be used as the primary source to implement emergency involuntary procedures such as seclusion and restraint. The Department shall oversee and collect information and report on data regarding the use of emergency involuntary procedures for patients admitted to a psychiatric unit regardless of whether the patient is under the care and custody of the Commissioner.

Sec. 4. 2018 Acts and Resolves No. 200, § 7 is amended to read:

Sec. 7. DATA COLLECTION AND REPORT; PATIENTS SEEKING

MENTAL HEALTH CARE IN HOSPITAL SETTINGS

(a) Pursuant to the authority granted to the Commissioner of Mental Health under 18 V.S.A. § 7401, the Commissioner shall collect the following information from hospitals in the State that have either an inpatient psychiatric unit or emergency department receiving patients with psychiatric health needs:

(1) the number of individuals seeking psychiatric care voluntarily and the number of individuals in the custody or temporary custody of the Commissioner who are admitted to inpatient psychiatric units and the corresponding lengths of stay on the unit; and

(2) the lengths of stay in emergency departments for individuals seeking psychiatric care voluntarily and for individuals in the custody or temporary custody of the Commissioner; and

~~(3) data regarding emergency involuntary procedures performed in an emergency department on individuals seeking psychiatric care.~~

(b) On or before January 15 of each year between ~~2019 and 2021~~ 2021 and 2023, the Commissioner of Mental Health shall submit a written report to the House Committee on Health Care and to the Senate Committee on Health and

Welfare containing the data collected pursuant to subsection (a) of this section during the previous calendar year.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

( Committee Vote: 10-0-1)

**H. 104**

An act relating to allowing certain licensed out-of-state mental health professionals to treat Vermont patients using telemedicine

**Rep. Peterson of Clarendon**, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FACILITATION OF INTERSTATE PRACTICE USING  
TELEHEALTH WORKING GROUP; REPORT

(a) Creation. There is created the Facilitation of Interstate Practice Using Telehealth Working Group to compile and evaluate methods for facilitating the practice of health care professionals throughout the United States using telehealth modalities.

(b) Membership. The Working Group shall be composed of the following members:

(1) the Director of the Office of Professional Regulation;

(2) representatives of the health care professions associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;

(3) the Executive Director of the Board of Medical Practice;

(4) representatives of the health care professions licensed by the Board of Medical Practice, selected by the Commissioner of Health;

(5) representatives of health care professional organizations;

(6) representatives of health insurers; and

(7) other interested stakeholders.

(c) Powers and duties. The Working Group shall compile and evaluate methods for facilitating the interstate practice of health care professionals



using telehealth modalities, including through the creation of telehealth licenses, waiver of licensure, national licensure compacts, and regional reciprocity agreements. In evaluating potential options for implementation in Vermont, the Working Group shall consider the following issues:

(1) impacts and ethical considerations related to patient care and continuity of care;

(2) whether to limit to health care professionals with preexisting patient relationships;

(3) impacts on State regulatory oversight and enforcement, including the fiscal impacts;

(4) effects on prescribing;

(5) differences between the various states and U.S. territories in scopes of practice, qualifications, regulation, and enforcement;

(6) different policy options for facilitating interstate practice, including the potential for reciprocity with health care professionals licensed in Vermont;

(7) whether to explore the international practice of health care professionals using telehealth; and

(8) other issues relevant to facilitating the interstate practice of health care professionals.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Office of Professional Regulation.

(e) Report. On or before December 15, 2021, the Director of the Office of Professional Regulation shall provide the Working Group's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

(f) Meetings. The Director of the Office of Professional Regulation shall convene and serve as the chair of the Working Group and shall call the first meeting to occur on or before July 1, 2021.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to considerations in facilitating the interstate practice of health care professionals using telehealth"

( Committee Vote: 10-0-1)

### H. 149

An act relating to modernizing statutes related to the Vermont National Guard

**Rep. Murphy of Fairfax**, for the Committee on General; Housing; and Military Affairs, recommends the bill be amended as follows:

By striking out Sec. 72, effective date, in its entirety and inserting in lieu thereof Secs. 72 and 73 to read as follows:

Sec. 72. 21 V.S.A. § 491 is amended to read:

§ 491. ABSENCE ON MILITARY SERVICE AND TRAINING;

#### EMPLOYMENT AND REEMPLOYMENT RIGHTS

(a)(1) Any duly qualified member of the Reserve Components of the U.S. Armed Forces, of the Ready Reserve, or an organized unit of the Vermont National Guard or the National Guard of another state shall ~~upon, when called to state or federal service, receive the same benefits, privileges, and protections in employment regardless of the activation authority or location of service.~~

(2)(A) ~~Upon request, a duly qualified member of the Reserve Components of the U.S. Armed Forces, of the Ready Reserve, or the Vermont National Guard or the National Guard of another state shall be entitled to leaves of absence for a total of 15 days in any calendar year for the purpose of engaging a leave of absence to engage in military drill, training, or other temporary duty under military authority pursuant to state or federal military orders.~~

(B) ~~A member of the Vermont National Guard or the National Guard of any state or territory who is ordered to state active duty shall be subject to the requirements of and entitled to the rights, privileges, benefits, and protections provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301–4335.~~

(C) ~~A leave of absence shall be with or without pay as determined by the employer. Upon completion of the military drill, training, or other temporary duty under military authority, a permanent employee shall be reinstated in that position with the same status, pay, and seniority, including seniority that accrued during the period of absence.~~

(b) A member of or an applicant for membership in the National Guard in either federal or state status as defined in 20 V.S.A. §§ 366, ~~and 601, or 602,~~ shall not be denied initial employment, reemployment, retention of

employment, promotion, or any benefit of employment by an employer on the basis of membership, application for membership, performance of service, application for service, or obligation to serve.

\* \* \*

Sec. 73. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

( **Committee Vote: 11-0-0**)

### **Consent Calendar**

#### **Concurrent Resolutions for Adoption Under Joint Rule 16a**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of March 11, 2021.

#### **H.C.R. 23**

House concurrent resolution honoring former Representative Edward H. Paquin Jr. for his exemplary leadership as a disability rights advocate

#### **H.C.R. 24**

House concurrent resolution designating March 2021 as Vermont Habitat for Humanity Month

#### **H.C.R. 25**

House concurrent resolution recognizing the importance of early childhood care services in Vermont

#### **H.C.R. 26**

House concurrent resolution in memory of John Pandiani of Bristol

#### **S.C.R. 1**

Senate concurrent resolution in memory of former Burlington Alderwoman Janet Stackpole.

### **Information Notice**

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)

**JFO #3036** - \$3,800,000 to the VT Dept of Health from the Center for Disease Control and Prevention to increase and sustain the public health approach to suicide prevention. This grant includes funding for three (3) limited service positions. Two (2) positions in the Dept of Health: Public Health Programs Administrator and Public Health Analyst II. One (1) position in the Dept of Mental Health: Marketing and Outreach Coordinator. Grant amount is \$760,000 per year for 5 years. *[JFO received 2/16/2021]*

**JFO #3037** - \$135,000 to the VT Dept of Mental Health from Vibrant Emotional Health for the development of the 988-implementation plan to ensure compliance with the federal mandate for universal access to suicide and prevention services by July 16, 2022. ***[Note: One (1) limited service position is included within JFO #3036].*** *[JFO received 2/16/2021]*

**JFO #3038** - \$40,000 to the VT Agency of Commerce and Community Development from the Chittenden County Regional Planning Commission. ACCD is a sub-grantee of the Chittenden County Regional Planning Commission and is awarded a maximum of \$40,000; original funds are from the U.S. Economic Development Administration. Funds will be used for work related to the West Central Vermont Comprehensive Economic Development Strategy project. *[JFO received 2/18/2021]*

**JFO #3039** - \$1,000,000 to the VT Dept of Public Safety from the U.S. Dept of Justice to develop and implement approaches to address a range of criminal justice system problems. The majority of funds will be awarded as sub-grants to organizations with expertise in this subject matter. *[JFO received 3/3/2021]*

**JFO #3041** - \$100,000 to the VT Dept. of Fish and Wildlife from Ducks Unlimited to fund a 25-year stewardship of 136 acres in Addison County. The land was donated by Ducks Unlimited with the condition that the Department perform stewardship duties. The yearly projected cost in materials and staff time is \$4,000. *[JFO received 3/08/2021]*

### **CROSSOVER DATES**

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (**including** the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2)) on or before **Friday, March 12, 2021**, and filed with the Secretary/Clerk so that they may be placed on the

Calendar for Notice the next legislative day- Committee bills must be voted out of Committee by Friday, March 12, 2021.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 19, 2021**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day.

**Note:** The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

**Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills.**