

Journal of the Senate

WEDNESDAY, APRIL 21, 2021

Pursuant to the Senate Rules, in the absence of the President, the Senate was called to order by the President *pro tempore*.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 138.

By Senators McCormack, Bray, Chittenden, Clarkson, Hooker, Pollina and Sirotkin,

An act relating to naming the State office building located at 133 State Street in Montpelier.

To the Committee on Institutions.

S. 139.

By Senator McCormack,

An act relating to public schools' team mascots.

To the Committee on Education.

S. 140.

By Senator Baruth,

An act relating to prohibiting civil arrests at courthouses.

To the Committee on Judiciary.

Bill Referred

House bill of the following title was read the first time and referred:

H. 175.

An act relating to the beverage container redemption system.

To the Committee on Rules.

Bill Passed**S. 99.**

Senate bill of the following title was read the third time and passed:

An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse.

Bills Passed in Concurrence

House bills of the following titles were severally read the third time and passed in concurrence:

H. 195. An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children.

H. 366. An act relating to 2021 technical corrections.

Bill Passed in Concurrence with Proposals of Amendment**H. 218.**

House bill of the following title was read the third time and passed in concurrence with proposals of amendment:

An act relating to the sale of unpasteurized raw milk.

Proposal of Amendment; Third Reading Ordered**H. 128.**

Senator Sears, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to limiting criminal defenses based on victim identity.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 6566 is added to read:

§ 6566. DEFENSE BASED ON VICTIM IDENTITY PROHIBITED

In a prosecution or sentencing for any criminal offense, the following shall not be used as a defense to the defendant's criminal conduct, to establish a finding that the defendant suffered from diminished capacity, to justify the defendant's use of force against another, or to otherwise mitigate the severity of the offense:

(1) evidence of the defendant's discovery of, knowledge about, or the potential disclosure of the crime victim's actual or perceived sexual orientation

or gender identity, including under circumstances in which the victim made a nonforcible, noncriminal romantic or sexual advance toward the defendant; or

(2) evidence of the defendant's perception or belief, even if inaccurate, of the gender, gender identity, or sexual orientation of a crime victim.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered on a roll call, Yeas 29, Nays 0.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Benning, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Parent, Pearson, Perchlik, Pollina, Ram, Sears, Sirotkin, Starr, Terenzini, Westman, White.

Those Senators who voted in the negative were: None.

The Senator absent or not voting was: Balint (presiding).

Message from the House No. 56

A message was received from the House of Representatives by Ms. Alona Tate, its Second Assistant Clerk, as follows:

Madam President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 25. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on April 21, 2021, he approved and signed bills originating in the House of the following titles:

H. 149. An act relating to modernizing statutes related to the Vermont National Guard.

H. 338. An act relating to reapportionment proposal deadlines.

Adjournment

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Thursday, April 22, 2021.