



STATE OF VERMONT
OFFICE OF THE EXECUTIVE DIRECTOR
DEPARTMENT OF STATE'S ATTORNEYS & SHERIFFS

TO: House Judiciary Committee
FROM: Evan Meenan, Deputy State's Attorney
Rory Thibault, Washington County State's Attorney
RE: H.475 – An act relating to the classification for criminal offenses
DATE: February 8, 2022
CC: Erik Fitzpatrick, Legislative Counsel

The Department of State's Attorneys supports H.475 as introduced. It would like, however, the Committee to consider making four changes to the bill.

First, consistent with its testimony regarding H.505, the Department would like the effective date to be July 1, 2023. This will help enable it, the judiciary, and the Defender General's Office to make the changes to their software systems needed to implement the statutory changes in the bill.

Second, to more fully transmission to a crime classification system, the Department suggests assigning a classification to First Degree Aggravated Domestic Assault in violation of 13 V.S.A. § 1043. Sec. 11 of the bill (page 10, lines 14-16) specifically states that the penalty shall remain a maximum of 15 years imprisonment and a \$25,000 fine. One way to preserve this penalty while classifying the offense would be to amend 13 V.S.A. § 1043(b) to read:

A person convicted of aggravated domestic assault, shall in addition to the penalty for a Class C Felony, be imprisoned not more than an additional 5 years.

H.475 takes a similar approach for Burglary with a Deadly Weapon (page 14, lines 14-17) and Assault and Robbery with a Deadly Weapon (page 18, lines 13-17). This change would result in the following tiers of domestic assault offenses:

Domestic Assault	1 st Degree Domestic Assault	2 nd Degree Domestic Assault
Class A Misd – 2 yrs, \$5,000	Class C Felony – 10 yrs, \$25,000 with a five-year additional penalty	Class D Felony – 5 yrs, \$10,000

Third, the Department requests the Committee reconsider the classification Neglect of a Vulnerable Adult with Serious Bodily Injury Resulting in violation of 13 V.S.A. § 1378(a) (page 21, lines 3-9). Currently the H.475 makes neglect of a vulnerable adult a Class A misdemeanor and Neglect of a Vulnerable Adult with Serious Bodily Injury Resulting a Class B misdemeanor. This means that a lesser penalty is imposed for a more serious offense.

Finally, the Department requests the Committee make Manslaughter (page 20, lines 16-19), which includes some intentional homicides, a Class B Felony instead of a Class C Felony. A Class B Felony carries a maximum penalty of 20 years imprisonment and a \$50,000 fine. A Class C Felony carries a maximum penalty of 10 years imprisonment and a \$25,000 fine. It is appropriate to make Manslaughter a penalty to recognize that the unlawful taking of a human life should carry a greater penalty than other offenses that H.475 makes Class C Felonies. Those other felonies include:

1. Aggravated Assault, 13 V.S.A. § 1024 (page 2, line 7 to page 3, line 5).
2. Burglary, 13 V.S.A. § 1201 (page 13, line 14 to page 14, line 13).
3. Assault and Robbery, 13 V.S.A. § 608 (page 18, lines 7-12).
4. Unlawful Restraint in the First Degree, 13 V.S.A. § 2407 (page 17, lines 7-16).

The Department thanks the Committee for considering these requests.