

**Criminal Offense Classification Proposal – T. 18 Offenses
Draft – 2020-09-17**

Offense	Statute	Penalty	Automatic Classification pursuant to H. 580 ⁱ	Proposal	Notes
Sale of Schedule V drugs – 1 st offense	18 V.S.A. § 4215a	6 months/ \$500/both	C misdemeanor		
Sale of Schedule V drugs – 2 nd or subsequent offense	18 V.S.A. § 4215a	2 years/\$2000/both	A misdemeanor		Fine reduced
Obtaining a regulated drug by fraud or deceit	18 V.S.A. § 4223	2 years and 1 day/\$5000/both	E felony		Imprisonment and fine increased
Unlawful manufacture, distribution, dispensing, or sale of a non-controlled drug	18 V.S.A. § 4228	1 year/\$5000/both	B misdemeanor		
Unlawful manufacture, distribution, dispensing, or sale of a non-controlled drug to a person under the age of 21	18 V.S.A. § 4228	2 years/\$10000/both	A misdemeanor		
Marijuana – possession of more than one ounce, more than 5 grams of hashish or cultivation of more than two mature plants or four immature plants - 1 st offense	18 V.S.A. § 4230(a)(1)(A)	Diversion unless referral would not serve the ends of justice or 6 months/\$500/both	C misdemeanor		

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Marijuana – possession of more than one ounce, more than 5 grams of hashish or cultivation of more than two mature plants or four immature plants – 2 nd or subsequent offense	18 V.S.A. § 4230(a)(1)(B)	2 years/\$2000/both	A misdemeanor		
Marijuana – possession of two ounces, 10 grams of hashish or cultivation of more than four mature plants or eight immature plants	18 V.S.A. § 4230(a)(2)	3 years/\$10000/both	E felony		
Marijuana – possession of more than one pound, more than 2.8 ounces of hashish or cultivation of more than six mature plants or 12 immature plants	18 V.S.A. § 4230(a)(3)	5 years/\$10000/both	D felony		
Marijuana – possession of more than ten pounds, more than one pound of hashish or cultivation of more than 12 mature plants or 24 immature plants	18 V.S.A. § 4230(a)(4)	15 years/\$500000/both	C felony		Imprisonment and fine reduced

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Marijuana – sale of marijuana or hashish	18 V.S.A. § 4230(b)(1)	2 years/\$10000/both	A misdemeanor		
Marijuana – sale of more than one ounce of marijuana or 5 grams or more of hashish	18 V.S.A. § 4230(b)(2)	5 years/\$100000/both	D felony		Fine reduced
Marijuana – sale of more than one pound of marijuana or 2.8 ounces or more of hashish	18 V.S.A. § 4230(b)(3)	15 years/\$500000/both	C felony		Imprisonment and fine reduced
Marijuana – Trafficking 50 pounds marijuana 5 pounds hashish	18 V.S.A. § 4230(c)	30 years/\$1000000/both	B felony		Imprisonment and fine reduced
Dispensing marijuana to a person under 21 years of age by a person age 21 or older	18 V.S.A. § 4230f(c)	2 years/\$2000/both	A misdemeanor		
Dispensing marijuana to a person under 21 years of age by a person age 21 or older where the person under 21 operates a motor vehicle and causes death or serious bodily injury	18 V.S.A. § 4230f(d)	5 years/\$10000/both	D felony		
Dispensing marijuana by a person age 19 or 20 to a person at least three years younger	18 V.S.A. § 4230f(e)(3)	5 years	D felony		Statute refers to persons 18, 19 or 20 but 18 year olds are

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					treated as juveniles post-7/1/20
Dispensing marijuana by a person age 19 to a person age 17	18 V.S.A. § 4230f(e)(4)	\$500	E misdemeanor		Statute refers to persons 18 and 19 but 18 year olds are treated as juveniles post-7/1/20 Fine reduced
Marijuana – manufacture by chemical extraction or chemical synthesis using butane or hexane	18 V.S.A. § 4230h	2 years/\$2000/both	A misdemeanor		
Marijuana - exceptions	18 V.S.A. § 4230i(b)				This statute appears to create substantial ambiguity as to the penalty associated with possessing 3, 4, 5 or 6 plants if previously convicted of a felony sale
Cocaine - possession	18 V.S.A. § 4231(a)(1)	1 year/\$1000/both	B misdemeanor		
Cocaine – possession of 2.5 grams or more	18 V.S.A. § 4231(a)(2)	5 years/\$100000/both	D felony		Fine reduced
Cocaine – possession of one ounce or more	18 V.S.A. § 4231(a)(3)	10 years/\$250000/both	C felony		Fine reduced
Cocaine – dispensing	18 V.S.A. § 4231(b)(1)	3 years/\$75000/both	E felony		Fine reduced

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Cocaine – sale	18 V.S.A. § 4231(b)(1)	5 years/\$100000/both	D felony		Fine reduced
Cocaine – sale or dispensing of 2.5 grams or more	18 V.S.A. § 4231(b)(2)	10 years/\$250000/both	C felony		Fine reduced
Cocaine – sale or dispensing of one ounce or more	18 V.S.A. § 4231(b)(3)	20 years/\$1000000/both	B felony		Fine reduced
Cocaine – trafficking 150 grams or more	18 V.S.A. § 4231(c)(1)	30 years/\$1000000/both	B felony		Imprisonment and fine reduced
Cocaine – trafficking 60 grams or more of crack	18 V.S.A. § 4231(c)(2)	30 years/\$1000000/both	B felony		Imprisonment and fine reduced
LSD – possession	18 V.S.A. § 4232(a)(1)	1 year/\$2000/both	B misdemeanor		
LSD – possession of 100 milligrams or more	18 V.S.A. § 4232(a)(2)	5 years/\$25000/both	D felony		
LSD – possession of 1 gram or more	18 V.S.A. § 4232(a)(3)	10 years/\$100000/both	C felony		Fine reduced
LSD – possession of 10 grams or more	18 V.S.A. § 4232(a)(4)	20 years/\$500000/both	B felony		Fine reduced
LSD – dispensing	18 V.S.A. § 4232(b)(1)	3 years/\$25000/both	E felony		Fine reduced
LSD – sale	18 V.S.A. § 4232(b)(1)	5 years/\$25000/both	D felony		
LSD – sale or dispensing of 100 milligrams or more	18 V.S.A. § 4232(b)(2)	10 years/\$100000/both	C felony		Fine reduced

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LSD – sale or dispensing of 1 gram or more	18 V.S.A. § 4232(b)(3)	20 years/\$500000/both	B felony		Fine reduced
Heroin – possession	18 V.S.A. § 4233(a)(1)	1 year/\$1000/both	B misdemeanor		
Heroin – possession of 200 milligrams or more	18 V.S.A. § 4233(a)(2)	5 years/\$100000/both	D felony		Fine reduced
Heroin – possession of 1 gram or more	18 V.S.A. § 4233(a)(3)	10 years/\$250000/both	C felony		Fine reduced
Heroin – possession of 2 grams or more	18 V.S.A. § 4233(a)(4)	20 years/\$1000000/both	B felony		Fine reduced
Heroin – dispensing	18 V.S.A. § 4233(b)(1)	3 years/\$75000/both	E felony		Fine reduced
Heroin – sale	18 V.S.A. § 4233(b)(1)	5 years/\$100000/both	D felony		Fine reduced
Heroin – sale or dispensing 200 milligrams or more	18 V.S.A. § 4233(b)(2)	10 years/\$250000/both	C felony		Fine reduced
Heroin – sale or dispensing 1 gram or more	18 V.S.A. § 4233(b)(3)	20 years/\$1000000/both	B felony		Fine reduced
Heroin – trafficking 3.5 grams or more	18 V.S.A. § 4233(c)	30 years/\$1000000/both	B felony		Imprisonment and fine reduced
Heroin – transportation of one gram or more into the state	18 V.S.A. § 4233(d)	Additional 10 years/\$100000/both			Additional penalty problematic with classification scheme
Fentanyl - dispensing	18 V.S.A. § 4233a(a)(1)	3 years/\$75000/both	E felony		Fine reduced
Fentanyl - sale	18 V.S.A. § 4233a(a)(1)	5 years/\$100000/both	D felony		Fine reduced

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Fentanyl – sale or dispensing of 4 milligrams or more	18 V.S.A. § 4233a(a)(2)	10 years/\$250000/both	C felony		Fine reduced
Fentanyl – sale or dispensing of 20 milligrams or more	18 V.S.A. § 4233a(a)(3)	20 years/\$1000000/both	B felony		Fine reduced
Fentanyl – sale or dispensing a regulated drug containing a detectable amount of fentanyl	18 V.S.A. § 4233a(a)(4)	Additional 5 years/\$250000/both			Additional penalty problematic with classification scheme
Fentanyl – trafficking 70 milligrams or more	18 V.S.A. § 4233a(b)	30 years/\$1000000/both	B felony		Imprisonment and fine reduced
Fentanyl – transportation of 20 milligrams or more into the state	18 V.S.A. § 4233a(c)	Additional 10 years/\$100000/both			Additional penalty problematic with classification scheme
Depressant, stimulant and narcotic drugs – possession	18 V.S.A. § 4234(a)(1)	1 year/\$2000/both	B misdemeanor		
Depressant, stimulant and narcotic drugs – possession of 100x benchmark unlawful dose	18 V.S.A. § 4234(a)(2)	5 years/\$25000/both	D felony		
Depressant, stimulant and narcotic drugs – possession of 1000x	18 V.S.A. § 4234(a)(3)	10 years/\$100000/both	C felony		Fine reduced

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benchmark unlawful dose					
Depressant, stimulant and narcotic drugs – possession of 10000x benchmark unlawful dose	18 V.S.A. § 4234(a)(4)	20 years/\$500000/both	B felony		Fine reduced
Depressant, stimulant and narcotic drugs – dispensing	18 V.S.A. § 4234(b)(1)	3 years/\$75000/both	E felony		Fine reduced
Depressant, stimulant and narcotic drugs – sale	18 V.S.A. § 4234(b)(1)	5 years/\$25000/both	D felony		Note fine is 1/3 of the dispensing fine
Depressant, stimulant and narcotic drugs – sale or dispensing of 100x benchmark unlawful dose	18 V.S.A. § 4234(b)(2)	10 years/\$100000/both	C felony		Fine reduced
Depressant, stimulant and narcotic drugs – sale or dispensing of 1000x benchmark unlawful dose	18 V.S.A. § 4234(b)(3)	20 years/\$500000/both	B felony		Fine reduced
Methamphetamine - possession	18 V.S.A. § 4234a(a)(1)	1 year/\$2000/both	B misdemeanor		
Methamphetamine – possession of 2.5 grams or more	18 V.S.A. § 4234a(a)(2)	5 years/\$100000/both	D felony		Fine reduced

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Methamphetamine – possession of 25 grams or more	18 V.S.A. § 4234a(a)(3)	10 years/\$250000/both	C felony		Fine reduced
Methamphetamine – dispensing	18 V.S.A. § 4234a(b)(1)	3 years/\$75000/both	E felony		Fine reduced
Methamphetamine – sale	18 V.S.A. § 4234a(b)(1)	5 years/\$100000/both	D felony		Fine reduced
Methamphetamine – sale or dispensing of 2.5 grams or more	18 V.S.A. § 4234a(b)(2)	10 years/\$250000/both	C felony		Fine reduced
Methamphetamine – sale or dispensing of 25 grams or more	18 V.S.A. § 4234a(b)(3)	20 years/\$1000000/both	B felony		Fine reduced
Methamphetamine – trafficking 300 grams or more	18 V.S.A. § 4234a(c)	30 years/\$1000000/both	B felony		Imprisonment and fine reduced
Ephedrine and pseudoephedrine – possession of drug containing base with intent to use as a precursor in manufacture – less than 9 grams	18 V.S.A. § 4234b(a)(1) and (2)(A)	1 year/\$2000/both	B misdemeanor		
Ephedrine and pseudoephedrine – possession of drug containing base with intent to use as a	18 V.S.A. § 4234b(a)(1) and (2)(B)	5 years/\$100000/both	D felony		Fine reduced

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precursor in manufacture – 9 grams or more					
Hallucinogenic drug – possession	18 V.S.A. § 4235(b)(1)	1 year/\$2000/both	B misdemeanor		
Hallucinogenic drug – possession of 10 or more doses	18 V.S.A. § 4235(b)(2)	5 years/\$25000/both	D felony		
Hallucinogenic drug – possession of 100 or more doses	18 V.S.A. § 4235(b)(3)	10 years/\$100000/both	C felony		Fine reduced
Hallucinogenic drug – possession of 1000 or more doses	18 V.S.A. § 4235(b)(4)	15 years/\$500000/both	C felony		Imprisonment and fine reduced
Hallucinogenic drug – dispensing	18 V.S.A. § 4235(c)(1)	3 years/\$25000/both	E felony		Fine reduced
Hallucinogenic drug – sale	18 V.S.A. § 4235(c)(1)	5 years/\$25000/both	D felony		
Hallucinogenic drug – sale or dispensing of 10 or more doses	18 V.S.A. § 4235(c)(2)	10 years/\$100000/both	C felony		Fine reduced
Hallucinogenic drug – sale or dispensing of 100 or more doses	18 V.S.A. § 4235(c)(3)	15 years/\$500000/both	C felony		Imprisonment and fine reduced
Ecstasy – possession	18 V.S.A. § 4235a(a)(1)	1 year/\$2000/both	B misdemeanor		
Ecstasy – possession of 2 grams or more	18 V.S.A. § 4235a(a)(2)	5 years/\$25000/both	D felony		

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Ecstasy – possession of 20 grams or more	18 V.S.A. § 4235a(a)(3)	10 years/\$100000/both	C felony		Fine reduced
Ecstasy – possession of 7 ounces or more	18 V.S.A. § 4235a(a)(4)	20 years/\$500000/both	B felony		Fine reduced
Ecstasy – dispensing	18 V.S.A. § 4235a(b)(1)	3 years/\$25000/both	E felony		Fine reduced
Ecstasy – sale	18 V.S.A. § 4235a(b)(1)	5 years/\$25000/both	D felony		
Ecstasy – sale or dispensing of 2 grams or more	18 V.S.A. § 4235a(b)(2)	10 years/\$100000/both	C felony		Fine reduced
Ecstasy – sale or dispensing of 20 grams or more	18 V.S.A. § 4235a(b)(3)	20 years/\$500000/both	B felony		Fine reduced
Manufacture or cultivation of a regulated drug	18 V.S.A. § 4236	20 years/\$1000000/both	B felony		Fine reduced
Dispensing regulated drug to a minor at least 3 years younger	18 V.S.A. § 4237(a)	5 years	D felony		No fine
Sale of a regulated drug to a minor	18 V.S.A. § 4237(b)	Additional 10 years			Additional penalty problematic with classification scheme
Sale or dispensing a regulated drug on school grounds	18 V.S.A. § 4237(c)	Additional 10 years			Additional penalty problematic with classification scheme
Second and subsequent offenses	18 V.S.A. § 4238	Fine or term of imprisonment or both doubled			See separate table below

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Transportation into a correctional facility - alcohol	18 V.S.A. § 4249(a)(1) and (b)	3 months/\$300/both	D misdemeanor		Imprisonment reduced and fine increased
Transportation into a correctional facility - marijuana	18 V.S.A. § 4249(a)(2) and (c)	6 months/\$500/both	C misdemeanor		Fine reduced
Transportation into a correctional facility – regulated drug	18 V.S.A. § 4249(a)(3) and (d)	1 year/\$1000/both	B misdemeanor		
Selling or dispensing a regulated drug with death resulting	18 V.S.A. § 4250	NLT 2 years NMT 20 years	B felony		No fine
Permitting a dwelling to be used for dispensing or selling drugs	18 V.S.A. § 4252	2 years/\$1000/both	A misdemeanor		
Use of a firearm while selling or dispensing a regulated drug	18 V.S.A. § 4253(a)	3 years/\$5000/both – “in addition to the penalty for the underlying crime”			Language suggests that this is an enhancement not a separate offense. Additional penalty problematic with classification scheme.
Use of a firearm while trafficking a regulated drug	18 V.S.A. § 4253(b)	5 years/\$10000/both – “in addition to the penalty for the underlying crime”			Language suggests that this is an enhancement not a separate offense. Additional penalty

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					problematic with classification scheme.
Sale of drug paraphernalia to a person under 18	18 V.S.A. § 4476(a)	2 years/\$2000/both	A misdemeanor		

Table of second or subsequent offenses pursuant to 18 V.S.A. § 4238

Offense	Statute	Penalty	Automatic Classification	Proposal	Notes
Unlawful manufacture, distribution, dispensing, or sale of a non-controlled drug – second or subsequent offense	18 V.S.A. §§ 4238 & 4228	2 years/\$10000/both	A misdemeanor		
Unlawful manufacture, distribution, dispensing, or sale of a non-controlled drug to a person under the age of 21 – second or subsequent offense	18 V.S.A. §§ 4238 & 4228	4 years/\$20000/both	E felony		Imprisonment and fine reduced
Marijuana – possession of more than two ounces, more than 10 grams of hashish or cultivation of more than four mature	18 V.S.A. §§ 4238 & 4230(a)(2)	6 years/\$20000/both	D felony		Imprisonment reduced and fine increased

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plants or eight immature plants – second or subsequent offense					
Marijuana – possession of more than one pound, more than 2.8 ounces of hashish or cultivation of more than six mature plants or 12 immature plants – second or subsequent offense	18 V.S.A. §§ 4238 & 4230(a)(3)	10 years/\$20000/both	C felony		
Marijuana – possession of more than ten pounds, more than one pound of hashish or cultivation of more than 12 mature plants or 24 immature plants – second or subsequent offense	18 V.S.A. §§ 4238 & 4230(a)(4)	30 years/\$1000000/both	B felony		Imprisonment and fine reduced
Marijuana – sale of marijuana or hashish	18 V.S.A. §§ 4238 & 4230(b)(1)	4 years/\$20000/both	E felony		Imprisonment and fine reduced
Marijuana – sale of more than one ounce of marijuana or 5 grams or more of hashish – second or subsequent offense	18 V.S.A. §§ 4238 & 4230(b)(2)	10 years/\$200000/both	C felony		Fine reduced
Marijuana – sale of more than one pound of marijuana or 2.8 ounces	18 V.S.A. §§ 4238 & 4230(b)(3)	30 years/\$1000000/both	B felony		Imprisonment and fine reduced

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or more of hashish – second or subsequent offense					
Marijuana – Trafficking 50 pounds marijuana 5 pounds hashish – second or subsequent offense	18 V.S.A. §§ 4238 & 4230(c)	60 years/\$2000000/both	B felony		Imprisonment and fine reduced
Cocaine - possession – second or subsequent offense	18 V.S.A. §§ 4238 & 4231(a)(1)	2 year/\$2000/both	A misdemeanor		
Cocaine – possession of 2.5 grams or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4231(a)(2)	10 years/\$200000/both	C felony		Fine reduced
Cocaine – possession of one ounce or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4231(a)(3)	20 years/\$500000/both	B felony		Fine reduced
Cocaine – dispensing – second or subsequent offense	18 V.S.A. §§ 4238 & 4231(b)(1)	6 years/\$150000/both	C felony		Imprisonment and fine reduced
Cocaine – sale – second or subsequent offense	18 V.S.A. §§ 4238 & 4231(b)(1)	10 years/\$200000/both	C felony		Fine reduced
Cocaine – sale or dispensing of 2.5 grams or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4231(b)(2)	20 years/\$500000/both	B felony		Fine reduced

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Cocaine – sale or dispensing of one ounce or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4231(b)(3)	40 years/\$2000000/both	B felony		Imprisonment and fine reduced
Cocaine – trafficking 150 grams or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4231(c)(1)	60 years/\$2000000/both	B felony		Imprisonment and fine reduced
Cocaine – trafficking 60 grams or more of crack – second or subsequent offense	18 V.S.A. §§ 4238 & 4231(c)(2)	60 years/\$2000000/both	B felony		Imprisonment and fine reduced
LSD – possession – second or subsequent offense	18 V.S.A. §§ 4238 & 4232(a)(1)	2 years/\$4000/both	A misdemeanor		
LSD – possession of 100 milligrams or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4232(a)(2)	10 years/\$50000/both	C felony		
LSD – possession of 1 gram or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4232(a)(3)	20 years/\$200000/both	B felony		Fine reduced
LSD – possession of 10 grams or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4232(a)(4)	40 years/\$1000000/both	B felony		Imprisonment and fine reduced
LSD – dispensing – second or subsequent offense	18 V.S.A. §§ 4238 & 4232(b)(1)	6 years/\$50000/both	D felony		Imprisonment and fine reduced
LSD – sale – second or subsequent offense	18 V.S.A. §§ 4238 & 4232(b)(1)	10 years/\$50000/both	C felony		

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LSD – sale or dispensing of 100 milligrams or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4232(b)(2)	20 years/\$200000/both	B felony		Fine reduced
LSD – sale or dispensing of 1 gram or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4232(b)(3)	40 years/\$1000000/both	B felony		Fine reduced
Heroin – possession – second or subsequent offense	18 V.S.A. §§ 4238 & 4233(a)(1)	2 years/\$2000/both	A misdemeanor		
Heroin – possession of 200 milligrams or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4233(a)(2)	10 years/\$200000/both	C felony		Fine reduced
Heroin – possession of 1 gram or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4233(a)(3)	20 years/\$500000/both	B felony		Fine reduced
Heroin – possession of 2 grams or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4233(a)(4)	40 years/\$2000000/both	B felony		Imprisonment and fine reduced
Heroin – dispensing – second or subsequent offense	18 V.S.A. §§ 4238 & 4233(b)(1)	6 years/\$150000/both	D felony		Imprisonment and fine reduced
Heroin – sale – second or subsequent offense	18 V.S.A. §§ 4238 & 4233(b)(1)	10 years/\$200000/both	C felony		Fine reduced
Heroin – sale or dispensing 200 milligrams	18 V.S.A. §§ 4238 & 4233(b)(2)	20 years/\$500000/both	B felony		Fine reduced

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or more – second or subsequent offense					
Heroin – sale or dispensing 1 gram or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4233(b)(3)	40 years/\$2000000/both	B felony		Imprisonment and fine reduced
Heroin – trafficking 3.5 grams or more – second or subsequent offense	18 V.S.A. §§ 4238 & 4233(c)	60 years/\$2000000/both	B felony		Imprisonment and fine reduced
Heroin – transportation of one gram or more into the state – second or subsequent offense	18 V.S.A. §§ 4238 & 4233(d)	Additional 20 years/\$200000/both			Additional penalty problematic with classification scheme
Depressant, stimulant and narcotic drugs – possession – second or subsequent offense	18 V.S.A. §§ 4238 & 4234(a)(1)	2 years/\$4000/both	A misdemeanor		
Depressant, stimulant and narcotic drugs – possession of 100x benchmark unlawful dose – second or subsequent offense	18 V.S.A. §§ 4238 & 4234(a)(2)	10 years/\$50000/both	C felony		
Depressant, stimulant and narcotic drugs – possession of 1000x benchmark unlawful dose	18 V.S.A. §§ 4238 & 4234(a)(3)	20 years/\$200000/both	B felony		

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– second or subsequent offense					
Depressant, stimulant and narcotic drugs – possession of 10000x benchmark unlawful dose – second or subsequent offense	18 V.S.A. §§ 4238 & 4234(a)(4)	40 years/\$1000000/both	B felony		Fine reduced
Depressant, stimulant and narcotic drugs – dispensing – second or subsequent offense	18 V.S.A. §§ 4238 & 4234(b)(1)	6 years/\$150000/both	D felony		Imprisonment and fine reduced
Depressant, stimulant and narcotic drugs – sale – second or subsequent offense	18 V.S.A. §§ 4238 & 4234(b)(1)	10 years/\$50000/both	C felony		Note fine is 1/3 of the dispensing fine
Depressant, stimulant and narcotic drugs – sale or dispensing of 100x benchmark unlawful dose – second or subsequent offense	18 V.S.A. §§ 4238 & 4234(b)(2)	20 years/\$200000/both	B felony		
Depressant, stimulant and narcotic drugs – sale or dispensing of 1000x benchmark unlawful dose – second or subsequent offense	18 V.S.A. §§ 4238 & 4234(b)(3)	40 years/\$1000000/both	B felony		Fine reduced

Fine or Imprisonment decreased under automatic classification

Fine increased under automatic classification

Imprisonment increased under automatic classification

**Criminal Offense Classification Proposal – T. 18 Offenses
Draft – 2020-09-17**

Hallucinogenic drug – possession – second or subsequent offense	18 V.S.A. §§ 4238 & 4235(b)(1)	2 years/\$4000/both	A misdemeanor		
Hallucinogenic drug – possession of 10 or more doses – second or subsequent offense	18 V.S.A. §§ 4238 & 4235(b)(2)	10 years/\$50000/both	C felony		
Hallucinogenic drug – possession of 100 or more doses – second or subsequent offense	18 V.S.A. §§ 4238 & 4235(b)(3)	20 years/\$200000/both	B felony		
Hallucinogenic drug – possession of 1000 or more doses – second or subsequent offense	18 V.S.A. §§ 4238 & 4235(b)(4)	30 years/\$1000000/both	B felony		Fine reduced
Hallucinogenic drug – dispensing – second or subsequent offense	18 V.S.A. §§ 4238 & 4235(c)(1)	6 years/\$50000/both	D felony		Imprisonment and fine reduced
Hallucinogenic drug – sale – second or subsequent offense	18 V.S.A. §§ 4238 & 4235(c)(1)	10 years/\$50000/both	C felony		
Hallucinogenic drug – sale or dispensing of 10 or more doses – second or subsequent offense	18 V.S.A. §§ 4238 & 4235(c)(2)	20 years/\$200000/both	B felony		
Hallucinogenic drug – sale or dispensing of 100 or more doses – second or subsequent offense	18 V.S.A. §§ 4238 & 4235(c)(3)	30 years/\$1000000/both	B felony		Fine reduced

Fine or Imprisonment decreased under automatic classification

Fine increased under automatic classification

Imprisonment increased under automatic classification

**Criminal Offense Classification Proposal – T. 18 Offenses
Draft – 2020-09-17**

Manufacture or cultivation of a regulated drug – second or subsequent offense	18 V.S.A. §§ 4238 & 4236	40 years/\$2000000/both	B felony		Fine reduced
Dispensing regulated drug to a minor at least 3 years younger – second or subsequent offense	18 V.S.A. §§ 4238 & 4237(a)	10 years	C felony		No fine
Sale of a regulated drug to a minor – second or subsequent offense	18 V.S.A. §§ 4238 & 4237(b)	Additional 20 years			Additional penalty problematic with classification scheme
Sale or dispensing a regulated drug on school grounds – second or subsequent offense	18 V.S.A. §§ 4238 & 4237(c)	Additional 20 years			Additional penalty problematic with classification scheme

Miscellaneous Title 18 offenses:

General penalty – violation of a provision of T. 18 for which no other penalty is provided	18 V.S.A. § 7	NLT \$50 NMT \$100	E misdemeanor		
Criminal Penalty – failure to comply with a permit issued under T. 18	18 V.S.A. § 131(a)	NMT \$5000	E misdemeanor		Is this criminal or civil? Fine reduced
Criminal Penalty – refusal to comply with a permit issued under T. 18,	18 V.S.A. § 131(b)	6 months/\$25000/both	C misdemeanor		Fine reduced

Fine or Imprisonment decreased under automatic classification

Fine increased under automatic classification

Imprisonment increased under automatic classification

**Criminal Offense Classification Proposal – T. 18 Offenses
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knowingly creating a public health hazard, knowingly contributing to a public health risk					
Criminal Penalty – false statement in a document	18 V.S.A. § 131(c)	6 months/\$10000/both	C misdemeanor		Fine reduced
Criminal Penalty – hindering actions pursuant to T. 18, Ch. 3	18 V.S.A. § 131(d)	NMT \$1000	E misdemeanor		Is this criminal or civil? Fine reduced
Possession, use or sale of glues and inhalants	18 V.S.A. § 1510	NMT \$25	E misdemeanor		
Failure to submit a report of death	18 V.S.A. § 5206	NMT \$100	E misdemeanor		
Unauthorized burial or removal	18 V.S.A. § 5211	5 years/\$1000/both	D felony		
Violation of statutes regarding community mausoleums and columbariums	18 V.S.A. § 5579	NLT \$100 NMT \$500/NLT 10 days NMT 3 months/both	D misdemeanor		Imprisonment reduced

Consistency issues:

1. Standardize use of U.S. or metric measures
2. Standardize weight distinctions – “more than [weight]” or “[weight] or more”

Other issues:

1. Penalty enhancements:
 - a. General recidivism offense (18 VSA § 4238)
 - b. Enhancement providing for addition penalty (such as 18 VSA § 4233a(a)(4))

Fine or Imprisonment decreased under automatic classification

Fine increased under automatic classification

Imprisonment increased under automatic classification

**Criminal Offense Classification Proposal – T. 18 Offenses
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2. 18 VSA § 4230i(b)

ⁱ 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.

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.

The maximum fine for a felony shall be as follows:

- (1) Class A: \$500,000.00.
- (2) Class B: \$250,000.00.
- (3) Class C: \$50,000.00.
- (4) Class D: \$25,000.00.
- (5) Class E: \$15,000.00.

The maximum fine for a misdemeanor shall be as follows:

- (1) Class A: \$10,000.00.
- (2) Class B: \$5,000.00.
- (3) Class C: \$2,500.00.
- (4) Class D: \$500.00.
- (5) Class E: \$250.00.

Fine or Imprisonment decreased under automatic classification

Fine increased under automatic classification

Imprisonment increased under automatic classification