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S.XX

First: By adding a new Sec. 18 to read as follows:

Sec. 18. 33 V.S.A. § 5280 is amended to read:

§ 5280. COMMENCEMENT OF YOUTHFUL OFFENDER PROCEEDINGS
IN THE FAMILY DIVISION

(a) A proceeding under this chapter shall be commenced by:

(1) the filing of a youthful offender petition by a State’s Attorney; or

(2) transfer to the Family Court of a proceeding from the Criminal

Division of the Superior Court as provided in section 5281 of this title.

* * *

~~(d) Within 15 days after the commencement of a youthful offender proceeding pursuant to subsection (a) of this section, the youth shall be offered a risk and needs screening, which shall be conducted by the Department or by a community provider that has contracted with the Department to provide risk and needs screenings.~~ Within 15 days after commencement of a youthful offender proceeding pursuant to subsection (a) of this section, the court shall notify the youth of the need for completion of a risk and needs screening. The notice shall inform the youth of the possible denial of youthful offender treatment if the youth fails to perform the risk and needs screening. The risk and needs screening shall be conducted by the Department or by a community provider that has contracted with the Department to provide risk and needs

1 screenings, and ~~The risk and needs screening~~ shall be completed prior to the
2 youthful offender status hearing held pursuant to section 5283 of this title.

3 Unless the court extends the period for the risk and needs screening for good
4 cause shown, the Family Division shall reject the case for youthful offender
5 treatment if the youth does not complete the risk and needs screening within 15
6 days of the offer for the risk and needs screening.

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8 * * *

9 Second: By adding a new Sec. 19 to read as follows:

10 Sec. 19. 33 V.S.A. § 5281 is amended to read:

11 § 5281. MOTION IN CRIMINAL DIVISION OF SUPERIOR COURT

12 (a) A motion may be filed in the Criminal Division of the Superior Court
13 requesting that a defendant under 22 years of age in a criminal proceeding who
14 had attained 12 years of age but not 22 years of age at the time the offense is
15 alleged to have been committed be treated as a youthful offender. The motion
16 may be filed by the State's Attorney, the defendant, or the court on its own
17 motion.

18 * * *

19 (c)(1) In determining whether a defendant is appropriate for youthful
20 offender treatment, the court shall consider whether there have been prior
21 denials of youthful offender treatment, whether a defendant was on youthful

1 offender treatment at the time a second or subsequent youthful offender request
2 was made, and whether the defendant has had prior denials of youthful
3 offender treatment, and may deny youthful offender treatment in the new case
4 based on the public safety factors listed in §5284(a)(2) prior to the offering or
5 completion of a report under §5282(d). If the Family Division rejects the case
6 for youthful offender treatment pursuant to section 5284 of this title, the case
7 shall be transferred to the Criminal Division. The conditions of release
8 imposed by the Criminal Division shall remain in effect, and the case shall
9 proceed as though the motion for youthful offender treatment or youthful
10 offender petition had not been filed.

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