

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 729
3 entitled “An act relating to miscellaneous judiciary procedures” respectfully
4 reports that it has considered the same and recommends that the Senate
5 propose to the House that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 * * * Cross Reference Corrections * * *

8 Sec. 1. 12 V.S.A. § 4853a is amended to read:

9 § 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

10 * * *

11 (c) Any memorandum in opposition filed by the defendant pursuant to Rule
12 ~~78(b)~~ (7)(b)(6) of the Vermont Rules of Civil Procedure shall be accompanied
13 by affidavit setting forth particular facts in support of the memorandum.

14 * * *

15 Sec. 2. 12 V.S.A. § 4853b is amended to read:

16 § 4853b. UNLAWFUL OCCUPANT; EXPEDITED HEARING

17 * * *

18 (c) At any time before the hearing, the defendant may oppose the motion
19 pursuant to Rule ~~78(b)~~ (7)(b)(6) of the Vermont Rules of Civil Procedure by
20 filing an affidavit, a signed written statement, or a memorandum in opposition
21 to the motion. The affidavit, signed written statement, or memorandum shall

1 set forth particular facts to show that a genuine dispute of fact exists in relation
2 to the motion.

3 * * *

4 * * * Notarization of Affidavits in Relief from Abuse Proceedings * * *

5 Sec. 3. 15 V.S.A. § 1104 is amended to read:

6 § 1104. EMERGENCY RELIEF

7 (a) In accordance with the Vermont Rules of Civil Procedure, temporary
8 orders under this chapter may be issued ex parte, without notice to the
9 defendant, upon motion and findings by the court that the defendant has abused
10 the plaintiff or the plaintiff’s children, or both. The plaintiff shall submit an
11 affidavit in support of the order, which may be sworn to or affirmed by
12 administration of the oath over the telephone to the applicant by an employee
13 of the Judiciary authorized to administer oaths and shall conclude with the
14 following statement: “I declare under the penalty of perjury pursuant to the
15 laws of the State of Vermont that the foregoing is true and accurate. I
16 understand that making false statements is a crime subject to a term of
17 imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904.” The
18 authorized person shall note on the affidavit the date and time that the oath was
19 administered. A minor 16 years of age or older, or a minor of any age who is
20 in a dating relationship as defined in subdivision 1101(2) of this chapter, may

1 seek relief on ~~his or her~~ the minor's own behalf. Relief under this section shall
2 be limited as follows:

3 * * *

4 Sec. 4. 15 V.S.A. § 1106 is amended to read:

5 § 1106. PROCEDURE

6 * * *

7 (b)(1) The Court Administrator shall establish procedures to ensure access
8 to relief after regular court hours, or on weekends and holidays. The Court
9 Administrator is authorized to contract with public or private agencies to assist
10 plaintiffs to seek relief and to gain access to Superior Courts. Law
11 enforcement agencies shall assist in carrying out the intent of this section.

12 (2)(A) The court shall designate an authorized person to receive requests
13 for ex parte temporary relief from abuse orders submitted after regular court
14 hours pursuant to section 1104 of this title, including requests made by reliable
15 electronic means according to the procedures in this subdivision.

16 * * *

17 (C) The affidavit shall be sworn to or affirmed by administration of
18 the oath over the telephone to the applicant by the authorized person, and shall
19 conclude with the following statement: "I declare under the penalty of perjury
20 pursuant to the laws of the State of Vermont that the foregoing is true and
21 accurate. I understand that ~~the penalty for perjury is imprisonment of not more~~

1 ~~than 15 years or a fine of not more than \$10,000.00, or both~~ making false
2 statements is a crime subject to a term of imprisonment or a fine, or both, as
3 provided by 13 V.S.A. § 2904.” The authorized person shall note on the
4 affidavit the date and time that the oath was administered.

5 * * *

6 * * * Sealing Criminal History Records * * *

7 Sec. 5. 13 V.S.A. § 7607 is amended to read:

8 § 7607. EFFECT OF SEALING

9 (a) Order and notice. Upon entry of an order to seal, the order shall be
10 legally effective immediately and the person whose record is sealed shall be
11 treated in all respects as if ~~he or she~~ the person had never been arrested,
12 convicted, or sentenced for the offense and that its effect is to annul the record
13 of arrest, conviction, and sentence. The court shall provide notice of the
14 sealing to the respondent, Vermont Crime Information Center (VCIC), the
15 arresting agency, the Restitution Unit of the Vermont Center for Crime
16 Victims Services, and any other entity that may have a record related to the
17 order to seal. The VCIC shall provide notice of the sealing to the Federal
18 Bureau of Investigation’s National Crime Information Center.

19 * * *

1 Sec. 6. 13 V.S.A. § 7611 is added to read:

2 § 7611. UNAUTHORIZED DISCLOSURE

3 A State or municipal employee or contractor or any agent of the court,
4 including an attorney and an employee or contractor of the attorney, who in the
5 course of their official duties knowingly discloses sealed criminal history
6 record information without authorization shall be assessed a civil penalty of
7 not more than \$1,000.00. Each unauthorized disclosure shall constitute a
8 separate civil violation.

9 Sec. 6a. 4 V.S.A. § 1102 is amended to read:

10 § 1102. JUDICIAL BUREAU; JURISDICTION

11 * * *

12 (b) The Judicial Bureau shall have jurisdiction of the following matters:

13 * * *

14 (30) Violations of 13 V.S.A. § 7611, relating to the unauthorized
15 disclosure of sealed criminal history record information.

16 * * *

17 Sec. 7. 32 V.S.A. § 1431 is amended to read:

18 § 1431. FEES IN SUPREME AND SUPERIOR COURTS

19 * * *

20 (e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or
21 Environmental Division of the Superior Court, including motions to reopen

1 civil suspensions or motions to reopen existing cases in the Probate Division of
2 the Superior Court, there shall be paid to the clerk of the court for the benefit
3 of the State a fee of \$90.00 except for small claims actions, estates, and
4 motions to confirm the sale of property in foreclosure. A filing fee of \$90.00
5 shall be paid to the clerk of the court for a civil petition for minor settlements.
6 The \$90.00 filing fee shall only apply for a motion to seal a criminal history
7 record of a violation of 23 V.S.A. § 1201(a) pursuant to 13 V.S.A.
8 § 7602(a)(1)(C), but shall not apply for any other motion to seal or expunge a
9 criminal history record pursuant to 13 V.S.A. § 7602, 33 V.S.A. § 5119(g), or
10 other applicable records clearance provisions.

11 * * *

12 * * * Correcting Title of Chief Superior Judge * * *

13 Sec. 8. 4 V.S.A. § 21a is amended to read:

14 § 21a. DUTIES OF THE ~~ADMINISTRATIVE~~ CHIEF SUPERIOR JUDGE

15 (a) The ~~Administrative~~ Chief Superior Judge shall assign and specially
16 assign Superior judges, including ~~himself or herself~~ themselves, and
17 Environmental judges to the Superior Court. All Superior judges except
18 Environmental judges shall be subject to the requirements of rotation as
19 ordered by the Supreme Court. Assignments made pursuant to the rotation
20 schedule shall be subject to the approval of the Supreme Court.

1 (b) In making any assignment under this section, the ~~Administrative~~ Chief
2 Superior Judge shall give consideration to the experience, temperament, and
3 training of a judge and the needs of the court. In making an assignment to the
4 Environmental Division, the ~~Administrative~~ Chief Superior Judge shall give
5 consideration to experience and expertise in environmental and land use law
6 and shall assign or specially assign judges in a manner to provide appropriate
7 attention to all geographic areas of the State.

8 (c) In making any assignments to the Environmental Division under this
9 section, the ~~Administrative~~ Chief Superior Judge shall regularly assign two
10 judges, at least one of whom shall be an Environmental judge. An
11 Environmental judge may be assigned to other divisions in the Superior Court
12 for a period of time not exceeding two years. When assigned to other divisions
13 in the Superior Court, the Environmental judge shall have all the powers and
14 responsibilities of a Superior judge.

15 Sec. 9. 4 V.S.A. § 22 is amended to read:

16 § 22. DESIGNATION AND SPECIAL ASSIGNMENT OF JUDICIAL
17 OFFICERS AND RETIRED JUDICIAL OFFICERS

18 (a)(1) The Chief Justice may appoint and assign a retired Justice or judge
19 with ~~his or her~~ the Justice's or judge's consent or a Superior or Probate judge
20 to a special assignment on the Supreme Court. The Chief Justice may appoint,
21 and the ~~Administrative~~ Chief Superior Judge shall assign, an active or retired

1 Justice or a retired judge, with ~~his or her~~ the Justice's or judge's consent, to
2 any special assignment in the Superior Court or the Judicial Bureau.

3 (2) The ~~Administrative~~ Chief Superior Judge may appoint and assign a
4 judge to any special assignment in the Superior Court. As used in this
5 subdivision, a judge shall include a Superior judge, a Probate judge, a Family
6 Division magistrate, or a judicial hearing officer.

7 (b) The ~~Administrative~~ Chief Superior Judge may appoint and assign a
8 member of the Vermont Bar residing within the State of Vermont to serve
9 temporarily as:

10 (1) an acting judge in Superior Court;

11 (2) an acting magistrate;

12 (3) an acting Probate judge; or

13 (4) an acting hearing officer to hear cases in the Judicial Bureau.

14 * * *

15 (f) In making an appointment under subsection (b) of this section, the
16 ~~Administrative~~ Chief Superior Judge shall apply the criteria and standards for
17 judicial appointments contained in section 601 of this title.

18 Sec. 10. 4 V.S.A. § 36 is amended to read:

19 § 36. COMPOSITION OF THE COURT

20 * * *

1 (C) Use of the term “judicial officer” in subdivisions (A) and (B) of
2 this subdivision (2) shall not be construed to expand a judicial officer’s ~~subject~~
3 ~~matter~~ subject-matter jurisdiction or conflict with the authority of the Chief
4 Justice or ~~Administrative~~ Chief Superior Judge to make special assignments
5 pursuant to section 22 of this title.

6 * * *

7 Sec. 11. 4 V.S.A. § 38 is amended to read:

8 § 38. JUDICIAL MASTERS

9 (a) The ~~Administrative~~ Chief Superior Judge may appoint a licensed
10 Vermont lawyer who has been engaged in the practice of law in Vermont for at
11 least the last five years to serve as a Judicial Master. The Judicial Master shall
12 be an employee of the Judiciary and be subject to the Code of Judicial
13 Conduct. A Judicial Master shall not engage in the active practice of law for
14 remuneration while serving in this position. In making this appointment, the
15 Administrative Judge shall apply the criteria and standards for judicial
16 appointments contained in section 601 of this title. The Judicial Master may
17 hear and decide the following matters as designated by the Administrative
18 Judge:

19 * * *

1 Sec. 12. 4 V.S.A. § 71 is amended to read:

2 § 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

3 * * *

4 (e) The Supreme Court shall designate one of the Superior judges to serve
5 as ~~Administrative~~ Chief Superior Judge. The ~~Administrative~~ Chief Superior
6 Judge shall serve at the pleasure of the Supreme Court.

7 Sec. 13. 4 V.S.A. § 73 is amended to read:

8 § 73. ASSIGNMENT

9 (a) In accordance with the direction of the Supreme Court, the
10 ~~Administrative~~ Chief Superior Judge shall assign the Superior judges among
11 the units and divisions of the Superior Court. The ~~Administrative~~ Chief
12 Superior Judge shall assign a presiding judge to each unit and may assign a
13 judge to preside in more than one unit. In a case where a Superior judge is
14 disqualified or unable to attend any term of court or part thereof to which ~~he or~~
15 ~~she~~ the Superior Judge has been assigned, the ~~Administrative~~ Chief Superior
16 Judge may assign another Superior judge to act as judge at that term or part
17 thereof for that period during which the assigned judge is disqualified or
18 unable to attend. If during a term of the Superior Court the court in a unit is
19 unable to complete all or part of the work before it in a reasonable time, the
20 ~~Administrative~~ Chief Superior Judge, with the approval of the Supreme Court,
21 may modify judge assignments to reduce delays in that unit. The court shall

1 publish the judicial rotation schedule in electronic format and distribute it
2 electronically to attorneys licensed in Vermont.

3 (b) Pursuant to section 21a of this title, the ~~Administrative~~ Chief Superior
4 Judge shall assign Superior judges to hear and determine Family Court matters.
5 The ~~Administrative~~ Chief Superior Judge shall ensure that such hearings are
6 held promptly. Any contested divorce case ~~which~~ that has been pending for
7 more than one year shall be advanced for prompt hearing upon the request of
8 any party.

9 (c) As necessary to ensure the efficient operation of the Superior Court, the
10 presiding judge of the unit may specially assign a Superior judge assigned to a
11 division in the unit, including the presiding judge, to preside over one or more
12 cases in a different division. As the ~~Administrative~~ Chief Superior Judge
13 determines necessary for the operation of the Superior Court throughout the
14 State, and with the approval of the Supreme Court, the ~~Administrative~~ Chief
15 Superior Judge may additionally assign for a specified period of time a
16 Superior judge to preside over a particular type of case, or over a particular
17 type of motion or other judicial proceeding, in all or part of the units in the
18 State.

1 Sec. 14. 4 V.S.A. § 111 is amended to read:

2 § 111. SUPERIOR COURT SESSIONS

3 (a) When the business of a Superior Court cannot otherwise be disposed of
4 with reasonable dispatch, by direction of the ~~Administrative~~ Chief Superior
5 Judge, there may be held additional sessions of that Superior Court
6 simultaneously with the regular session consisting of a presiding judge and one
7 or more assistant judges, if available.

8 (b) A Superior Court may be temporarily recessed or adjourned from the
9 place designated for holding a regular term or session to another place having
10 adequate facilities, when the regular facilities at the designated courthouse are
11 not adequate.

12 (c) The ~~Administrative~~ Chief Superior Judge may assign assistant judges,
13 with their consent, to a special assignment in a court where they have
14 jurisdiction in another county when assistant judges of that county are
15 unavailable or the business of the courts so requires.

16 Sec. 15. 4 V.S.A. § 115 is amended to read:

17 § 115. STATED TERMS OF SUPERIOR COURT

18 The Superior Court shall operate continuously irrespective of the term in
19 which events occur. Terms are designated for purposes of determining the
20 rotation schedule of Superior judges and the responsibility of a Superior judge
21 once a term has expired. When at the expiration of a term a Superior judge is

1 no longer assigned to a specified unit, the judge shall complete any matters that
2 have been heard or taken under advisement for that unit. The ~~Administrative~~
3 Chief Superior Judge, pursuant to rules of the Supreme Court, may specially
4 assign a Superior judge to continue to preside over one or more cases even
5 though the judge is no longer assigned to the unit of origin of the case or cases.
6 In the absence of such a direction or of an assignment made pursuant to
7 subsection 73(c) of this title, a judge who at the end of a term is no longer
8 assigned to a unit shall have no further responsibility for cases in that unit.

9 Sec. 16. 4 V.S.A. § 272 is amended to read:

10 § 272. PROBATE DISTRICTS; PROBATE JUDGES

11 * * *

12 (c) The ~~Administrative~~ Chief Superior Judge may specially assign a
13 Probate judge to hear a case in a geographical district other than the district for
14 which the Probate judge was elected.

15 Sec. 17. 4 V.S.A. § 461a is amended to read:

16 § 461a. ESSEX COUNTY; POWERS OF ASSISTANT JUDGES AND
17 MAGISTRATES IN FAMILY COURT PROCEEDINGS

18 * * *

19 (b) The ~~Administrative~~ Chief Superior Judge may appoint and may
20 specially assign a magistrate to serve as the presiding judge in the Family
21 Division of the Superior Court in Essex County.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

* * *

Sec. 18. 4 V.S.A. § 461c is amended to read:

§ 461c. POWERS OF ASSISTANT JUDGES IN DIVORCE
PROCEEDINGS

* * *

(c) Prior to hearing an uncontested domestic matter, an assistant judge shall sit with a Superior judge on domestic proceedings for a minimum of 100 hours, satisfactorily complete a minimum of 30 hours of training on subjects relevant to domestic proceedings and the Code of Judicial Conduct, and conduct a minimum of three uncontested domestic hearings with a Superior judge who shall, in ~~his or her~~ the Superior judge's sole discretion, certify to the ~~Administrative Chief~~ Superior Judge that the assistant judge is qualified to preside over matters under this section. Upon application of an assistant judge, some or all of these requirements may be waived by the ~~Administrative Chief~~ Superior Judge based on equivalent experience. The requirements set forth herein shall only apply to assistant judges who elect to conduct uncontested final hearings in domestic cases after July 1, 2010. An assistant judge already conducting hearings under this section as of July 1, 2010 shall be deemed to have complied with these requirements.

1 Sec. 19. 4 V.S.A. § 906 is amended to read:

2 § 906. CONFLICTING APPOINTMENTS, EXCUSE FROM ATTENDING
3 BY ~~ADMINISTRATIVE~~ CHIEF SUPERIOR JUDGE

4 When an attorney is required to attend more than one trial, hearing, or other
5 proceeding before a court or commission having judicial or quasi-judicial
6 functions, or both, at times which conflict so that ~~he or she~~ the attorney cannot
7 reasonably attend each appointment, the attorney may request the
8 ~~Administrative~~ Chief Superior Judge to designate which appointment ~~he or she~~
9 the attorney shall attend. The ~~Administrative~~ Chief Superior Judge shall
10 designate the appointment the attorney shall attend and shall notify the
11 presiding magistrate of each court and commission of ~~his or her~~ the Justice's or
12 judge's decision. The attorney shall be excused from attending at that time any
13 proceedings other than the one designated by the ~~Administrative~~ Chief
14 Superior Judge, and the other proceedings shall be rescheduled.

15 Sec. 20. 4 V.S.A. § 1001 is amended to read:

16 § 1001. ENVIRONMENTAL DIVISION

17 * * *

18 (b) Two environmental judges shall be appointed to hear matters in the
19 Environmental Division and to hear other matters in the Superior Court when
20 so assigned by the ~~administrative judge~~ Chief Superior Judge pursuant to
21 subsection 21a(c) of this title.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

Sec. 21. 4 V.S.A. § 1104 is amended to read:

§ 1104. APPOINTMENT OF HEARING OFFICERS

The ~~Administrative~~ Chief Superior Judge shall appoint members of the Vermont Bar to serve as hearing officers to hear cases. Hearing officers shall be subject to the Code of Judicial Conduct.

Sec. 22. 4 V.S.A. § 1108 is amended to read:

§ 1108. JUDICIAL BUREAU VIOLATIONS; JURISDICTION OF ASSISTANT JUDGES

* * *

(c) The ~~Administrative~~ Chief Superior Judge may assign or direct assignment of an assistant judge with ~~his or her~~ the assistant judge's consent to hear matters in the Judicial Bureau within the county in which the assistant judge presides or in a county other than the county in which the assistant judge presides if the assistant judge has elected to hear and decide such matters.

Sec. 23. 12 V.S.A. § 5538 is amended to read:

§ 5538. APPEALS

Any party may appeal from a small claims judgment to Superior Court. The ~~Administrative~~ Chief Superior Judge shall assign the appeal to a Superior judge who shall not have participated in any way in the decision being appealed. The appeal shall be heard and decided, based on the record made in

1 the small claims procedure. No appeal as of right exists to the Supreme Court.

2 On motion made to the Supreme Court by a party to the action, the Supreme

3 Court may allow an appeal from the Superior Court.

4 Sec. 24. 12 V.S.A. § 5540a is amended to read:

5 § 5540a. JURISDICTION OVER SMALL CLAIMS; ASSISTANT JUDGES

6 * * *

7 (d) An assistant judge upon successful completion of the training under
8 subsection (b) of this section, shall cause the Superior Court clerk to notify the

9 Court Administrator of the assistant judge's successful completion of training.

10 Upon receipt of such notification, small claims cases ~~which~~ that require a

11 hearing shall first be set for hearing before an assistant judge in the Superior

12 Court in the county and shall be heard by the assistant judge. If the assistant

13 judge is unavailable due to illness, vacation, administrative leave, disability, or

14 disqualification, the ~~Administrative~~ Chief Superior Judge pursuant to 4 V.S.A.

15 § 22 may assign a judge, or appoint and assign a member of the Vermont bar to

16 serve temporarily as an acting judge, to hear small claims cases in the county.

17 No action filed or pending shall be heard at or transferred to any other location

18 unless agreed to by the parties. If both assistant judges of the county elect to

19 successfully complete training to hear these matters, the senior assistant judge

20 shall make the assignment of cases to be heard by each assistant judge. The

21 assistant judges, once qualified to preside in these matters, shall work with the

1 Court Administrator's office and the ~~Administrative~~ Chief Superior Judge such
2 that the scheduling of small claims cases before the assistant judges are at such
3 times as to permit adequate current court personnel to be available when these
4 cases are heard.

5 * * *

6 Sec. 25. 13 V.S.A. § 5451 is amended to read:

7 § 5451. CREATION OF COMMISSION

8 (a) The Vermont Sentencing Commission is established for the purpose of
9 overseeing criminal sentencing practices in the State, reducing geographical
10 disparities in sentencing, and making recommendations regarding criminal
11 sentencing to the General Assembly.

12 (b) The Commission shall consist of the following members:

13 (1) the Chief Justice of the Vermont Supreme Court or designee;

14 (2) the Chief Superior Judge or designee, provided that the designee is a
15 sitting or retired Vermont judge;

16 (3) a ~~District or~~ Superior Court Judge with substantial criminal law
17 experience appointed by the ~~administrative judge~~ Chief Superior Judge;

18 (4) the Chair of the Senate Committee on Judiciary;

19 (5) the Chair of the House Committee on Judiciary;

20 (6) the Attorney General or designee;

21 (7) the Defender General or designee;

- 1 (8) the Executive Director of the Department of State’s Attorneys and
2 Sheriffs or designee;
- 3 (9) the Appellate Defender;
- 4 (10) a State’s Attorney appointed by the Executive Director of the
5 Department of State’s Attorneys and Sheriffs;
- 6 (11) a staff public defender with experience in juvenile defense matters
7 appointed by the Defender General;
- 8 (12) an attorney with substantial criminal law experience appointed by
9 the Vermont Bar Association;
- 10 (13) the Commissioner of Corrections or designee;
- 11 (14) the Commissioner of Public Safety or designee;
- 12 (15) the Executive Director of the Vermont Center for Crime Victim
13 Services or designee;
- 14 (16) the Executive Director of the Vermont Crime Research Group; and
15 (17) one member of the public appointed by the Governor.

16 * * *

17 Sec. 26. 24 V.S.A. § 139 is amended to read:

18 § 139. ASSISTANT JUDGE JUDICIAL EDUCATION

19 The assistant judges, either collectively or through a duly authorized
20 committee of assistant judges established by a majority vote of the assistant

1 judges after consultation with the ~~administrative judge~~ Chief Superior Judge,
2 shall, by majority vote:

3 (1) identify the training needs of assistant judges, including needs ~~which~~
4 that are required by law; and

5 (2) design, organize, and implement training for assistant judges,
6 including training ~~which~~ that is required by law.

7 Sec. 27. 24 V.S.A. § 3211 is amended to read:

8 § 3211. DETERMINATION OF NECESSITY

9 * * *

10 (b) The Superior Court judge to whom the petition is presented shall fix the
11 time for hearing, which shall not be more than 60 nor less than 40 days from
12 the date the judge signs such order. Likewise, the judge shall fix the place for
13 hearing, which shall be the county courthouse or any other place within the
14 county in which the land in question is located. If the Superior Court judge to
15 whom the petition is presented cannot hear the petition at the time set therefor,
16 the judge shall call upon the ~~administrative judge~~ Chief Superior Judge to
17 assign another Superior Court judge to hear the cause at the time and place
18 assigned in the order.

19 * * *

1 Sec. 28. 24 V.S.A. § 3605 is amended to read:

2 § 3605. HEARING TO DETERMINE NECESSITY

3 The judge to whom such petition is presented shall fix the time for hearing,
4 which shall not be more than 60 nor less than 30 days from the date ~~he or she~~
5 the judge signs such order. Likewise, ~~he or she~~ the judge shall fix the place for
6 hearing, which shall be the county courthouse or any other convenient place
7 within the county in which the land in question is located. If the Superior
8 judge to whom such petition is presented cannot hear the petition at the time
9 set therefore ~~he or she~~, the Superior judge shall call upon the ~~Administrative~~
10 Chief Superior Judge to assign another Superior judge to hear such cause at the
11 time and place assigned in the order.

12 Sec. 29. 32 V.S.A. § 8361 is amended to read:

13 § 8361. GENERAL RULES FOR APPEALS

14 (a) A party aggrieved, including the State represented by the State
15 Treasurer, on or before February 15 following such an appraisal, may appeal
16 therefrom to a Superior judge designated by the ~~administrative judge~~ Chief
17 Superior Judge, not excluding ~~himself or herself~~ themselves, who shall hear
18 such appeal.

19 * * *

1 Sec. 30. 32 V.S.A. § 9272 is amended to read:

2 § 9272. SUSPENSION AND REVOCATION OF LICENSES; APPEAL

3 * * *

4 (b) Any operator aggrieved by such suspension, revocation, or refusal may
5 appeal therefrom to any Superior judge within 10 days after written notice of
6 such suspension, revocation, or refusal has been mailed or delivered to ~~him or~~
7 ~~her~~ the operator. Such Superior judge or another Superior judge designated by
8 the ~~administrative judge~~ Chief Superior Judge shall hear such appeal forthwith.

9 * * *

10 Sec. 31. 32 V.S.A. § 9816 is amended to read:

11 § 9816. SUSPENSION OR REVOCATION OF CERTIFICATES; APPEAL

12 * * *

13 (b) Any person required to collect the tax aggrieved by a suspension,
14 revocation, or refusal may appeal therefrom to any Superior judge within
15 10 days after written notice of the suspension, revocation, or refusal has been
16 mailed or delivered to ~~him or her~~ the person. The Superior judge or another
17 Superior judge designated by the ~~administrative judge~~ Chief Superior Judge
18 shall hear the appeal forthwith.

19 * * *

1 * * * Report on Collection of Racial Data in Civil Court Filings * * *

2 Sec. 32. REPORT BY CHIEF SUPERIOR JUDGE ON COLLECTION OF
3 RACIAL DATA IN CIVIL COURT FILINGS

4 On or before December 1, 2022, the Chief Superior Judge shall report to the
5 House and Senate Committees on Judiciary on practices for the collection of
6 racial demographic data in civil court filings. The report shall describe
7 whether and in what manner data about the race of parties in civil court
8 actions, including eviction and debt collection proceedings, is collected by
9 courts in Vermont and other jurisdictions. The report may include
10 recommendations for future practices and strategies to collect racial
11 demographic data for civil court filings in Vermont. A copy of the report shall
12 be sent to the Executive Director of Racial Equity.

13 * * * Sunset Extensions * * *

14 Sec. 33. 2017 Acts and Resolves No. 142, Sec. 5, as amended by 2021 Acts
15 and Resolves No. 65, Sec. 4, is further amended to read:

16 Sec. 5. REPEAL

17 13 V.S.A. §§ 5451 (creation of Vermont Sentencing Commission) and 5452
18 (creation of Vermont Sentencing Commission) shall be repealed on July 1,
19 ~~2022~~ 2023.

20 Sec. 34. 2013 Acts and Resolves No. 69, Sec. 3, subsection (b), as amended
21 by 2015 Acts and Resolves No. 32, Sec. 1, as further amended by 2016 Acts

1 and Resolves No. 169, Sec. 6, 2018 Acts and Resolves No. 175, Sec. 1, and
2 2020 Acts and Resolves No. 134, Sec. 3 (July 1, 2022 repeal of Automated
3 License Plate Recognition system standards), is further amended to read:

4 (b) Secs. 1–2 of this act, 23 V.S.A. §§ 1607 and 1608, shall be repealed on
5 July 1, ~~2022~~ 2024.

6 * * * Fees for Service of Civil Process and Fingerprinting * * *

7 Sec. 35. 32 V.S.A. § 1591 is amended to read:

8 § 1591. SHERIFFS AND OTHER OFFICERS

9 There shall be paid to sheriffs' departments and constables in civil causes
10 and to sheriffs, deputy sheriffs, and constables for the transportation and care
11 of prisoners, juveniles, and patients with a mental condition or psychiatric
12 disability the following fees:

13 (1) Civil process:

14 (A) For serving each process, the fees shall be as follows:

15 (i) \$10.00 for each reading or copy wherein the officer is directed
16 to make an arrest;

17 (ii) ~~\$50.00~~ \$75.00 upon presentation of each return of service for
18 the service of papers relating to divorce, annulments, separations, or support
19 complaints;

1 (iii) ~~\$50.00~~ \$75.00 upon presentation of each return of service for
2 the service of papers relating to civil suits except as provided in subdivisions
3 (1)(A)(ii) and (1)(A)(vii) of this section;

4 (iv) ~~\$50.00~~ \$75.00 upon presentation of each return of service for
5 the service of a subpoena and shall be limited to that one fee for each return of
6 service;

7 * * *

8 (E) Quarterly, 15 percent of the gross civil process fees received by a
9 sheriff's department or constable during that quarter shall be forwarded to the
10 State Treasurer for deposit in the State's General Fund.

11 * * *

12 Sec. 36. 20 V.S.A. § 2062 is amended to read:

13 § 2062. FINGERPRINTING FEES

14 State, county, and municipal law enforcement agencies may charge a fee of
15 not more than ~~\$25.00~~ \$35.00 for providing persons with a set of classifiable
16 fingerprints. No fee shall be charged to retake fingerprints determined by the
17 Vermont Crime Information Center not to be classifiable. Fees collected by
18 the State of Vermont under this section shall be credited to the Fingerprint Fee
19 Special Fund established and managed pursuant to 32 V.S.A. chapter 7,
20 subchapter 5, and shall be available to the Department of Public Safety to
21 offset the costs of providing these services.

1 Sec. 37. 16 V.S.A. § 257 is amended to read:

2 § 257. FEES FOR FINGERPRINTING; FINGERPRINT FEE SPECIAL

3 FUND

4 State, county, and municipal law enforcement agencies may charge a fee of
5 up to ~~\$15.00~~ \$35.00 for providing applicants or other individuals with a set of
6 classifiable fingerprints as required by this subchapter. No fee shall be charged
7 to retake fingerprints determined by the Vermont Crime Information Center
8 not to be classifiable. Fees collected by the State of Vermont under this
9 section shall be credited to the Fingerprint Fee Special Fund established and
10 managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available
11 to the Department of Public Safety to offset the costs of providing these
12 services.

13 * * * Effective Date * * *

14 Sec. 38. EFFECTIVE DATE

15 This act shall take effect on passage.

16

17

18 (Committee vote: _____)

19

20

21

Senator _____

FOR THE COMMITTEE