

Amendment to exempt CDL license holders from Family Division (proposed new language highlighted):

4 V.S.A. § 33(a)

(8) All juvenile proceedings filed pursuant to chapters 51, 52, and 53 of Title 33, including proceedings involving "youthful offenders" pursuant to 33 V.S.A. § 5281 whether the matter originated in the criminal or family division of the superior court, **except for proceedings concerning license holders covered by 23 V.S.A. Chapter 39 (Commercial Driver License Act) who would be subject to disqualification under 23 V.S.A. § 4116 if convicted of any offense or violation listed in that section and are being charged with one of those offenses or violations.**

Correction of an identified jurisdictional gap (proposed change highlighted):

5103(c)(1) Except as otherwise provided by this title and by subdivision (2) of this subsection, jurisdiction over a child shall not be extended beyond the child's 18 birthday.

(2)(A) Jurisdiction over a child with a **pending** delinquency may be extended until six months beyond the child's:

(i) 19th birthday if the child was 16 or 17 years of age when he or she committed the offense;
or

(ii) 20th birthday if she child was 18 years of age when he or she committed the offense.

Correcting conflict regarding upper limit of Jurisdiction and youthful offender timeframe consistency (proposed changes highlighted):

§ 5204a. Jurisdiction over adult defendant for crime committed when defendant was under age **18-19**

(a) A proceeding may be commenced in the Family Division against a defendant who has attained 18 years of age if:

(1) the petition alleges that the defendant;

(A) before attaining **18 19** years of age, violated a crime listed in subsection 5204(a) of this title; or

(B) after attaining 14 years of age but before attaining **18 19** years of age, committed an offense listed in 13 V.S.A. § 5301(7) but not listed in subsection 5204(a) of this title;

(2) a juvenile petition was never filed based upon the alleged conduct; and

(3) the statute of limitations has not tolled on the crime which the defendant is alleged to have committed.

(b)(1) The Family Division shall, except as provided in subdivision (2) of this subsection, transfer a petition filed pursuant to subdivision (a)(1)(A) of this section to the Criminal Division if the Family Division finds that:

- (A) there is probable cause to believe that while the defendant was less than 18 19 years of age he or she committed an act listed in subsection 5204(a) of this title;
- (B) there was good cause for not filing a delinquency petition in the Family Division when the defendant was less than 18 19 years of age;
- (C) there has not been an unreasonable delay in filing the petition; and
- (D) transfer would be in the interest of justice and public safety.

(2)(A) If a petition has been filed pursuant to subdivision (a)(1)(A) of this section, the Family Division may order that the defendant be treated as a youthful offender consistent with the applicable provisions of chapter 52A of this title if the defendant is under 23 22 years of age and the Family Division:

- (i) makes the findings required by subdivisions (1)(A), (B), and (C) of this subsection;
- (ii) finds that the youth is amenable to treatment or rehabilitation as a youthful offender; and
- (iii) finds that there are sufficient services in the Family Division system and the Department for Children and Families or the Department of Corrections to meet the youth's treatment and rehabilitation needs.

(B) If the Family Division orders that the defendant be treated as a youthful offender, the court shall approve a disposition case plan and impose conditions of probation on the defendant.

(C) If the Family Division finds after hearing that the defendant has violated the terms of his or her probation, the Family Division may:

- (i) maintain the defendant's status as a youthful offender, with modified conditions of probation if the court deems it appropriate; or
- (ii) revoke the defendant's youthful offender status and transfer the petition to the Criminal Division pursuant to subdivision (1) of this subsection.

(3) The Family Division shall in all respects treat a petition filed pursuant to subdivision (a)(1)(B) of this section in the same manner as a petition filed pursuant to section 5201 of this title, except that the Family Division's jurisdiction shall end on or before the defendant's 22nd birthday, if the Family Division:

- (A) finds that there is probable cause to believe that, after attaining 14 years of age but before attaining 18 19 years of age, the defendant committed an

offense listed in 13 V.S.A. § 5301(7) but not listed in subsection 5204(a) of this title; and

(B) makes the findings required by subdivisions (b)(1)(B) and (C) of this section.