
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 46 (S. 33). An act relating to miscellaneous judiciary procedures

Subjects: Criminal procedure; court procedure; miscellaneous amendments

This act makes a number of changes to court and Judiciary procedures, including adding “judicial master” to the list of judicial officers that a Chief Superior Judge may specially assign to hear a case in the Superior Court; permitting all parties required to make an oath in a court proceeding to instead file a declaration that the statement is true, subject to the penalties of perjury, without having to swear the statement in person before a notary; raising the jurisdictional limit for small claims actions from \$5,000.00 to \$10,000.00; permitting the jurors’ oath in criminal cases to be affirmed rather than sworn; permitting the State to have the same appeal rights in youthful offender proceedings that it has in criminal proceedings; clarifying that tampering with an ignition interlock device on behalf of another person who is prohibited from driving without the device is a civil violation; permitting service providers, court diversion programs, community-based providers, and treatment programs to have access to juvenile case records; making juvenile records available to the National Instant Criminal Background Check System for purposes of conducting a background check when a person under 21 years of age purchases a firearm; providing that information related to the offense directly or indirectly derived from the risk and needs screening that must be offered to a child prior to the preliminary hearing in a juvenile proceeding cannot be used against the child in the case for any purpose; providing that, prior to the approval of a youthful offender disposition case plan, the court may refer a child directly to a youth-appropriate community-based provider; permitting notice that a person’s DNA has been removed from the State DNA database to be provided by regular rather than certified mail; providing that when a person charged with DUI pleads guilty to the lesser offense of negligent operation, the person will be able to use an ignition interlock device right away after the conviction; establishing a new statute of limitations for tort claims based on environmental contamination that provides that a claim based on environmental contamination accrues so long as the contamination remains on the property; permitting the Chairs of the House and Senate Committees on Judiciary to designate another member to serve on the Sentencing Commission; prohibiting a law enforcement officer from engaging in a sexual act with a person whom the officer is investigating or whom the officer knows is being investigated by another officer; allowing persons under 21 years of age to possess tobacco in connection with Indigenous cultural tobacco practices; permitting relief from abuse orders to be mailed to defendants instead of personally served on them if they attend the hearing when the order is issued; and extending the sunset for the Vermont Sentencing Commission from July 1, 2023 to July 1, 2025 and directing the Commission to report (1) to the House and Senate Committees on Judiciary by December 15, 2023 on whether any modifications should be made to the statutory definition of stalking and (2) to the General Assembly by December 1, 2023 on whether to eliminate cash bail.

Effective Date: June 5, 2023