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H.262

Introduced by Representative Chesnut-Tangerman of Middletown Springs

Referred to Committee on

Date:

Subject: Judicial Bureau; civil fines; community service

Statement of purpose of bill as introduced: This bill proposes to allow for conversion of civil fines to community service when the defendant is unable to pay.

An act relating to converting civil fines to community service

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 4 V.S.A. § 1109 is amended to read:

§ 1109. REMEDIES FOR FAILURE TO PAY; CONTEMPT

(a) Definitions. As used in this section:

(1) “Amount due” means all financial assessments contained in a Judicial Bureau judgment, including penalties, fines, surcharges, court costs, and any other assessment authorized by law.

(2) “Designated collection agency” means a collection agency designated by the Court Administrator.

(3) [Repealed.]

1 (b) Late fees; suspensions for nonpayment of certain traffic violation  
2 judgments.

3 (1) A Judicial Bureau judgment shall provide notice that a \$30.00 fee  
4 shall be assessed for failure to pay within 30 days. If the defendant fails to pay  
5 the amount due within 30 days, the fee shall be added to the judgment amount  
6 and deposited ~~in~~ into the Court Technology Special Fund established pursuant  
7 to section 27 of this title.

8 (2)(A) In the case of a judgment on a traffic violation for which the  
9 imposition of points against the person's driving record is authorized by law,  
10 the judgment shall contain a notice that failure to pay or otherwise satisfy the  
11 amount due within 30 days ~~of~~ after the notice will result in suspension of the  
12 person's operator's license or privilege to operate, and that payment plan  
13 options are available. If the defendant fails to pay the amount due within 30  
14 days ~~of~~ after the notice, or by a later date as determined by a Judicial Bureau  
15 clerk or hearing officer, and the case is not pending on appeal, the Judicial  
16 Bureau shall provide electronic notice thereof to the Commissioner of Motor  
17 Vehicles. After 20 days from the date of receiving the electronic notice, the  
18 Commissioner shall suspend the person's operator's license or privilege to  
19 operate for a period of 30 days or until the amount due is satisfied, whichever  
20 is earlier.



1           (2) Community service performed pursuant to a motion granted under  
2 this subsection shall be:

3           (A) credited against outstanding fines at the then-existing rate of the  
4 Vermont minimum wage;

5           (B) monitored by an entity approved by the court, which shall report  
6 on the defendant's compliance status to the court; and

7           (C) performed in the county where the offense occurred.

8           (3) A conversion of a fine to community service under this subsection  
9 shall:

10           (A) not apply to surcharges, court costs, or other assessments; and

11           (B) be in addition to the contempt procedures applicable under this  
12 section.

13       Sec. 2. EFFECTIVE DATE

14           This act shall take effect on July 1, 2023.