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H.563

An act relating to criminal motor vehicle offenses involving unlawful trespass, theft, or unauthorized operation

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

Sec. 1. 13 V.S.A. § 2501 is amended to read:

§ 2501. GRAND LARCENY

(a) A person who steals from the actual or constructive possession of another, other than from ~~his or her~~ the person, money, goods, chattels, bank notes, bonds, promissory notes, bills of exchange or other bills, orders, or certificates, or a book of accounts for or concerning money, or goods due or to become due or to be delivered, or a deed or writing containing a conveyance of land, or any other valuable contract in force, or a receipt, release or defeasance, writ, process, or public record, shall be imprisoned not more than 10 years or fined not more than \$5,000.00, or both, if the money or other property stolen exceeds \$900.00 in value.

(b) Notwithstanding section 9 of this title, a person convicted of attempting to steal a motor vehicle in violation of this section shall be imprisoned not more than five years or fined not more than \$2,500.00, or both.

1 Sec. 2. 13 V.S.A. § 3705 is amended to read:

2 § 3705. UNLAWFUL TRESPASS

3 (a)(1) A person shall be imprisoned for not more than three months or fined
4 not more than \$500.00, or both, if, without legal authority or the consent of the
5 person in lawful possession, ~~he or she~~ the person enters or remains on any land
6 or in any place as to which notice against trespass is given by:

7 (A) actual communication by the person in lawful possession or ~~his~~
8 ~~or her~~ the person's agent or by a law enforcement officer acting on behalf of
9 such person or ~~his or her~~ the person's agent;

10 (B) signs or placards so designed and situated as to give reasonable
11 notice; or

12 (C) in the case of abandoned property:

13 (i) signs or placards, posted by the owner, the owner's agent, or a
14 law enforcement officer, and so designed and situated as to give reasonable
15 notice; or

16 (ii) actual communication by a law enforcement officer.

17 (2) As used in this subsection, "abandoned property" means:

18 (A) real property on which there is a vacant structure that for the
19 previous 60 days has been continuously unoccupied by a person with the legal
20 right to occupy it and with respect to which the municipality has by first-class

1 mail to the owner's last known address provided the owner with notice and an
2 opportunity to be heard; and

3 (i) property taxes have been delinquent for six months or more; or

4 (ii) one or more utility services have been disconnected; or

5 (B) a railroad car that for the previous 60 days has been unmoved and
6 unoccupied by a person with the legal right to occupy it.

7 (b) Prosecutions for offenses under subsection (a) of this section shall be
8 commenced within 60 days following the commission of the offense and not
9 thereafter.

10 (c) A person who enters the motor vehicle of another and knows or should
11 know that the person does not have legal authority or the consent of the person
12 in lawful possession of the motor vehicle to do so shall be imprisoned not more
13 than three months or fined not more than \$500.00, or both. For a second or
14 subsequent offense, a person who violates this subsection shall be imprisoned
15 not more than one year or fined not more than \$500.00, or both. Notice against
16 trespass shall not be required under this subsection.

17 (d) A person who enters a building other than a residence, whose access is
18 normally locked, whether or not the access is actually locked, or a residence in
19 violation of an order of any court of competent jurisdiction in this State shall
20 be imprisoned for not more than one year or fined not more than \$500.00, or
21 both.

1 ~~(e)~~(e) A person who enters a dwelling house, whether or not a person is
2 actually present, knowing that ~~he or she~~ the person is not licensed or privileged
3 to do so shall be imprisoned for not more than three years or fined not more
4 than \$2,000.00, or both.

5 ~~(e)~~(f) A law enforcement officer shall not be prosecuted under subsection
6 (a) of this section if ~~he or she~~ the law enforcement officer is authorized to serve
7 civil or criminal process, including citations, summons, subpoenas, warrants,
8 and other court orders, and the scope of ~~his or her~~ the law enforcement
9 officer's entrance onto the land or place of another is ~~no~~ not more than
10 necessary to effectuate the service of process.

11 Sec. 3. 23 V.S.A. § 1094 is amended to read:

12 § 1094. OPERATION WITHOUT CONSENT OF OWNER;

13 AGGRAVATED OPERATION WITHOUT CONSENT OF OWNER

14 (a) A person commits the crime of operation without consent of the owner
15 if:

16 (1) the person takes, obtains, operates, uses, or continues to operate the
17 motor vehicle of another when the person should have known that the person
18 did not have the consent of the owner to do so; or

19 (2) the person, without the consent of the owner, knowingly takes,
20 obtains, operates, uses, or continues to operate the motor vehicle of another
21 when the person knows they did not have the consent of the owner to do so.

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(c) A person convicted under subdivision (a)(1) of this section shall be

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imprisoned not more than three months or fined not more than \$500.00, or

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both. A person convicted under ~~subsection~~ subdivision (a)(2) of this section of

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~~operation without consent of the owner~~ shall be imprisoned not more than two

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years or fined not more than \$1,000.00, or both.

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Sec. 4. EFFECTIVE DATE

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This act shall take effect on July 1, 2024.