

1 H.878

2 An act relating to miscellaneous judiciary procedures

3 The Senate proposes to the House to amend the bill by striking out all after
4 the enacting clause and inserting in lieu thereof the following:

5 Sec. 1. 4 V.S.A. § 41 is added to read:

6 § 41. COURT SECURITY OFFICERS

7 (a) Authorization. The Court Administrator shall define the scope of duties
8 for Judiciary-employed Court Security Officers. The Court Administrator
9 shall have direct authority over Judiciary-employed Court Security Officers
10 and may authorize them to perform judicial security officer functions
11 necessary for the performance of their duties.

12 (b) Training. The Court Administrator shall develop a training program
13 pursuant to appropriate training standards to perform judicial security officer
14 functions. The Court Administrator shall establish a use of force policy based
15 on State standards.

16 (c) Training; equipment. At the direction of the Court Administrator and
17 with the approval of the Court Security and Safety Program Manager,
18 Judiciary-employed Court Security Officers shall be provided with training and
19 equipment necessary for the performance of their duties. Equipment provided
20 pursuant to this subsection shall remain the property of the Judiciary.

1 (4) Violations of 7 V.S.A. § ~~1005(a)~~ 1005, relating to possession of
2 tobacco products by a person under 21 years of age.

3 * * *

4 Sec. 4. 12 V.S.A. § 1913(b) is amended to read:

5 (b) ~~Authentication, admissibility, and presumptions.~~

6 (1) A digital record electronically registered in a blockchain shall be
7 self-authenticating pursuant to Vermont Rule of Evidence 902, if it is
8 accompanied by a written declaration of a qualified person, made under oath,
9 stating the qualification of the person to make the certification and:

10 (A) the date and time the record entered the blockchain;

11 (B) the date and time the record was received from the blockchain;

12 (C) that the record was maintained in the blockchain as a regular
13 conducted activity; and

14 (D) that the record was made by the regularly conducted activity as a
15 regular practice.

16 * * *

17 Sec. 5. 12 V.S.A. § 3087 is amended to read:

18 § 3087. ~~RECOGNIZANCE FOR TRUSTEE'S COSTS~~

19 ~~The plaintiff in a trustee process shall give security for costs to the trustee~~
20 ~~by way of recognizance by some person other than the plaintiff. The security~~
21 ~~shall be in the sum of \$50.00 for a summons returnable to a Superior Court. If~~

1 ~~trustee process issues without a minute of the recognizance, with the name of~~
2 ~~the surety and the sum in which he or she is bound, signed by the clerk~~
3 ~~thereon, the trustee shall be discharged. [Repealed.]~~

4 Sec. 6. 13 V.S.A. § 3281 is amended to read:

5 § 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

6 (a) Short title. This section may be cited as the "Bill of Rights for Sexual
7 Assault Survivors."

8 (b) Definition. As used in this section, "sexual assault survivor" means a
9 person who is a victim of an alleged sexual offense.

10 (c) Survivors' rights. When a sexual assault survivor makes a verbal or
11 written report to a law enforcement officer, emergency department, sexual
12 assault nurse examiner, or victim's advocate of an alleged sexual offense, the
13 recipient of the report shall provide written notification to the survivor that ~~he~~
14 ~~or she~~ the survivor has the following rights:

15 (1) The right to receive a medical forensic examination and any related
16 toxicology testing at no cost to the survivor in accordance with 32 V.S.A.
17 § 1407, irrespective of whether the survivor reports to or cooperates with law
18 enforcement. If the survivor opts to have a medical forensic examination, ~~he~~
19 ~~or she~~ the survivor shall have the following additional rights:

1 (A) the right to have the medical forensic examination kit or its
2 probative contents delivered to a forensics laboratory within 72 hours of
3 collection;

4 (B) the right to have the sexual assault evidence collection kit or its
5 probative contents preserved without charge for the duration of the maximum
6 applicable statute of limitations;

7 (C) the right to be informed in writing of all policies governing the
8 collection, storage, preservation, and disposal of a sexual assault evidence
9 collection kit;

10 (D) the right to be informed of a DNA profile match on a kit reported
11 to law enforcement or on a confidential kit, on a toxicology report, or on a
12 medical record documenting a medical forensic examination, if the disclosure
13 would not impede or compromise an ongoing investigation; ~~and~~

14 (E) the right to be informed of the status and location of the sexual
15 assault evidence collection kit; and

16 (F) upon written request from the survivor, the right to:

17 (i) receive written notification from the appropriate official with
18 custody not later than 60 days before the date of the kit's intended destruction
19 or disposal; and

20 (ii) be granted further preservation of the kit or its probative
21 contents.

1 (2) The right to consult with a sexual assault advocate.

2 (3) The right to information concerning the availability of protective
3 orders and policies related to the enforcement of protective orders.

4 (4) The right to information about the availability of, and eligibility for,
5 victim compensation and restitution.

6 (5) The right to information about confidentiality.

7 (d) Notification protocols. The Vermont Network Against Domestic and
8 Sexual Violence and the Sexual Assault Nurse Examiner Program, in
9 consultation with other parties referred to in this section, shall develop
10 protocols and written materials to assist all responsible entities in providing
11 notification to victims.

12 Sec. 7. 13 V.S.A. § 3401 is amended to read:

13 § 3401. DEFINITION AND PUNISHMENT OF TREASON

14 A person owing allegiance to this State, who levies war or conspires to levy
15 war against the same, or adheres to the enemies thereof, giving them aid and
16 comfort, within the State or elsewhere, shall be guilty of treason against this
17 State and shall ~~suffer the punishment of death~~ be imprisoned for not less than
18 25 years with a maximum term of life and, in addition, may be fined not more
19 than \$50,000.00.

1 Sec. 8. REPEALS

2 The following sections are repealed: 13 V.S.A. § 7101 (sentence and
3 warrant); 13 V.S.A. § 7102 (pardon); 13 V.S.A. § 7103 (place of execution);
4 13 V.S.A. § 7104 (manner of confinement); 13 V.S.A. § 7105 (persons present
5 at execution); 13 V.S.A. § 7106 (manner of execution); and 13 V.S.A. § 7107
6 (returns of Commissioner).

7 Sec. 9. 13 V.S.A. § 4056 is amended to read:

8 § 4056. SERVICE

9 (a) A petition, ex parte temporary order, or final order issued under this
10 subchapter shall be served in accordance with the Vermont Rules of Civil
11 Procedure and may be served by any law enforcement officer. A court that
12 issues an order under this chapter during court hours shall promptly transmit
13 the order electronically or by other means to a law enforcement agency for
14 service; and shall deliver a copy to the holding station.

15 (b) A respondent who attends a hearing held under section 4053, 4054, or
16 4055 of this title at which a temporary or final order under this subchapter is
17 issued and who receives notice from the court on the record that the order has
18 been issued shall be deemed to have been served. A respondent notified by the
19 court on the record shall be required to adhere immediately to the provisions of
20 the order. ~~However, even when the court has previously notified the~~
21 ~~respondent of the order, the court shall transmit the order for additional service~~

1 ~~by a law enforcement agency.~~ The clerk shall mail a copy of the order to the
2 respondent at the respondent's last known address.

3 * * *

4 Sec. 10. 13 V.S.A. § 4814 is amended to read:

5 § 4814. ORDER FOR EXAMINATION OF COMPETENCY

6 * * *

7 (d) Notwithstanding any other provision of law, an examination ordered
8 pursuant to subsection (a) of this section may be conducted by a doctoral-level
9 psychologist trained in forensic psychology and licensed under 26 V.S.A.
10 chapter 55. ~~This subsection shall be repealed on July 1, 2024.~~

11 * * *

12 Sec. 11. 13 V.S.A. § 4816 is amended to read:

13 § 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

14 * * *

15 (e) The relevant portion of a psychiatrist's report or of a report conducted
16 pursuant to subsection 4814(d) of this title by a doctoral-level psychologist
17 trained in forensic psychology shall be admitted into evidence as an exhibit on
18 the issue of the person's mental competency to stand trial and the opinion shall
19 be conclusive on the issue if agreed to by the parties and if found by the court
20 to be relevant and probative on the issue.

1 (f) Introduction of a report under subsection ~~(d)~~(e) of this section shall not
2 preclude either party or the court from calling the psychiatrist or psychologist
3 who wrote the report as a witness or from calling witnesses or introducing
4 other relevant evidence. Any witness called by either party on the issue of the
5 defendant's competency shall be at the State's expense, or, if called by the
6 court, at the court's expense. Notwithstanding any other provision of law or
7 rule, if called as a witness, the psychiatrist or psychologist who wrote the
8 report shall be permitted to provide testimony remotely.

9 Sec. 12. 13 V.S.A. § 7282 is amended to read:

10 § 7282. SURCHARGE

11 (a) In addition to any penalty or fine imposed by the court for a criminal
12 offense or any civil penalty imposed by the Judicial Bureau for a traffic
13 violation, including any violation of a fish and wildlife statute or regulation,
14 violation of a motor vehicle statute, or violation of any local ordinance relating
15 to the operation of a motor vehicle, except violations relating to seat belts and
16 child restraints and ordinances relating to parking violations, the clerk of the
17 court or Judicial Bureau shall levy an additional surcharge of:

18 * * *

19 (8)(A) For any offense or violation committed after June 30, 2006, but
20 before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the Victims
21 Compensation Special Fund.

1 clerk of the court ~~or Judicial Bureau~~ shall levy an additional surcharge of
2 \$100.00 to be deposited in the General Fund, in support of the Specialized
3 Investigative Unit Grants Board created in 24 V.S.A. § 1940(c), and used to
4 pay for the costs of Specialized Investigative Units.

5 Sec. 13. 13 V.S.A. § 7554c(e)(3) is amended to read:

6 (3) All records of information obtained during risk assessment or needs
7 screening shall be stored in a manner making them accessible only to the
8 Director of Pretrial Services and pretrial service coordinators for a period of
9 three years, after which the records shall be maintained as required by ~~sections~~
10 ~~117 and 218 of this title~~ 3 V.S.A. §§ 117 and 218 and any other State law. The
11 Director of Pretrial Services shall be responsible for the destruction of records
12 when ordered by the court.

13 Sec. 14. 14 V.S.A. § 4020 is amended to read:

14 § 4020. LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED
15 ~~STATUTORY FORM~~ POWER OF ATTORNEY

16 (a) ~~As used in this section, “statutory form power of attorney” means a~~
17 ~~power of attorney substantially in the form provided in section 4051 or 4052 of~~
18 ~~this title or that meets the requirements for a military power of attorney~~
19 ~~pursuant to 10 U.S.C. § 1044b, as amended.~~

20 (b) Except as otherwise provided in subsection ~~(e)~~(b) of this section:

1 (1) a person shall either accept an acknowledged ~~statutory form~~ power
2 of attorney or request a certification, a translation, or an opinion of counsel
3 under subsection 4019(d) of this title not later than seven business days after
4 presentation of the power of attorney for acceptance;

5 (2) if a person requests a certification, a translation, or an opinion of
6 counsel under subsection 4019(d) of this title, the person shall accept the
7 ~~statutory form~~ power of attorney not later than five business days after receipt
8 of the certification, translation, or opinion of counsel; and

9 (3) a person may not require an additional or different form of power of
10 attorney for authority granted in the ~~statutory form~~ power of attorney
11 presented.

12 ~~(e)~~(b) A person is not required to accept an acknowledged ~~statutory form~~
13 power of attorney if:

14 (1) the person is not otherwise required to engage in a transaction with
15 the principal in the same circumstances;

16 (2) engaging in a transaction with the agent or the principal in the same
17 circumstances would be inconsistent with federal or state law;

18 (3) the person has actual knowledge of the termination of the agent's
19 authority or of the power of attorney before exercise of the power;

20 (4) a request for a certification, a translation, or an opinion of counsel
21 under subsection 4019(d) of this title is refused;

1 the agent or, if unknown, as the agent determines is consistent with the
2 principal's best interests based on all relevant factors, including:

3 (1) evidence of the principal's intent;

4 (2) the principal's personal history of making or joining in the making
5 of lifetime gifts;

6 (3) the principal's estate plan;

7 (4) the principal's foreseeable obligations and maintenance needs and
8 the impact of the proposed gift on the principal's housing options, access to
9 care and services, and general welfare;

10 (5) the income, gift, estate, or inheritance tax consequences of the
11 transaction; and

12 (6) whether the proposed gift creates a foreseeable risk that the principal
13 will be deprived of sufficient assets to cover the principal's needs during any
14 period of Medicaid ineligibility that would result from the proposed gift.

15 ~~(c) An agent may make a gift of the principal's property only as the agent
16 determines is consistent with the principal's objectives if actually known by
17 the agent and, if unknown, as the agent determines is consistent with the
18 principal's best interests based on all relevant factors, including:~~

19 ~~(1) the value and nature of the principal's property;~~

20 ~~(2) the principal's foreseeable obligations and need for maintenance;~~

1 You should select someone you trust to serve as your agent. Unless you
2 specify otherwise, generally the agent’s authority will continue until you die or
3 revoke the power of attorney or the agent resigns or is unable to act for you.
4 Your agent is entitled to reasonable compensation unless you state otherwise in
5 the Special Instructions.

6 This form does not revoke powers of attorney previously executed by you
7 unless you initial the introductory paragraph under DESIGNATION OF
8 AGENT that all previous powers of attorney are revoked.

9 This form provides for designation of one agent. If you wish to name more
10 than one agent, you may name a coagent in the Special Instructions. Coagents
11 are not required to act together unless you include that requirement in the
12 Special Instructions.

13 If your agent is unable or unwilling to act for you, your power of attorney
14 will end unless you have named a successor agent. You may also name a
15 second successor agent.

16 This power of attorney becomes effective immediately unless you state
17 otherwise in the Special Instructions.

18 If you have questions about the power of attorney or the authority you are
19 granting to your agent, you should seek legal advice before signing this form.

1 Power of Attorney Act, 14 V.S.A. chapter 127, together with the incidental
2 powers enumerated in section 4033 of that chapter.

3 (~~INITIAL STRIKE THROUGH~~ each subject you DO NOT want to include
4 in the agent's general authority. ~~If you wish to grant general authority over all~~
5 ~~of the subjects, you may initial "All Preceding Subjects" instead of initialing~~
6 ~~each subject.~~)

7 (↔ Real Property

8 ↔ Tangible Personal Property

9 ↔ Stocks and Bonds

10 ↔ Commodities and Options

11 ↔ Banks and Other Financial Institutions

12 ↔ Operation of Entity or Business

13 ↔ Insurance and Annuities

14 ↔ Estates, Trusts, and Other Beneficial Interests

15 ↔ Claims and Litigation

16 ↔ Personal and Family Maintenance

17 ↔ Benefits from Governmental Programs or Civil or Military Service

18 ↔ Retirement Plans

19 ↔ Taxes

20 (↔ ~~All Preceding Subjects~~)

1 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

2 My agent MAY NOT do any of the following specific acts for me UNLESS

3 I have INITIALED the specific authority listed below:

4 (CAUTION: Granting any of the following will give your agent the
5 authority to take actions that could significantly reduce your property or
6 change how your property is distributed at your death. INITIAL ONLY the
7 specific authority you WANT to give your agent.)

8 () An agent who is not an ancestor, spouse, or descendant may exercise
9 authority under this power of attorney to create in the agent or in an individual
10 to whom the agent owes a legal obligation of support an interest in my
11 property whether by gift, rights of survivorship, beneficiary designation,
12 disclaimer, or otherwise

13 () Create, amend, revoke, or terminate an inter vivos, family, living,
14 irrevocable, or revocable trust

15 () Consent to the modification or termination of a noncharitable irrevocable
16 trust under 14A V.S.A. § 411

17 () Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any
18 special instructions in this power of attorney

19 () Consent to the modification or termination of a noncharitable irrevocable
20 trust under 14A V.S.A. § 411

21 () Create, amend, or change a beneficiary designation

1 WHEN POWER OF ATTORNEY EFFECTIVE

2 This power of attorney becomes effective when executed unless the
3 principal has initialed one of the following:

4 () This power of attorney is effective only upon my later incapacity. OR

5 () This power of attorney is effective only upon my later incapacity or
6 unavailability. OR

7 () I direct that this power of attorney shall become effective when one or
8 more of the following occurs:

9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____

16 EFFECTIVE DATE

17 This power of attorney is effective immediately unless I have indicated or
18 stated otherwise in the section above entitled When Power of Attorney
19 Effective or in the section below entitled Special Instructions.

20 SPECIAL INSTRUCTIONS (OPTIONAL)

21 You may give special instructions on the following lines:

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____

8 **EFFECTIVE DATE**

9 ~~This power of attorney is effective immediately unless I have stated~~
10 ~~otherwise in the Special Instructions.~~

11 **NOMINATION OF GUARDIAN (OPTIONAL)**

12 If it becomes necessary for a court to appoint a guardian of my estate or a
13 guardian of my person, I nominate the following person(s) for appointment:

14 Name of Nominee for [conservator or guardian] of my estate: _____

15 Nominee's Address: _____

16 Nominee's Telephone Number: _____

17 Name of Nominee for guardian of my person: _____

18 Nominee's Address: _____

19 Nominee's Telephone Number: _____

1 RELIANCE ON THIS POWER OF ATTORNEY

2 Any person, including my agent, may rely upon the validity of this power of
3 attorney or a copy of it unless that person knows it has terminated or is invalid.
4 Unless expressly stated otherwise, this power of attorney is durable and shall
5 remain valid if I become incapacitated or unavailable.

6 SIGNATURE AND ACKNOWLEDGMENT

7 Your Name Printed: _____

8 Your Address: _____

9 Your Telephone Number: _____

10 State of: _____

11 County of: _____

12 This document was acknowledged before me on: _____(Date)

13 by _____ . (Name of Principal)

14 (Seal, if any): _____

15 Signature of Notary: _____

16 My commission expires: _____

17 IMPORTANT INFORMATION FOR AGENT

18 Agent's Duties

19 When you accept the authority granted under this power of attorney, a
20 special legal relationship is created between you and the principal. This

1 relationship imposes upon you legal duties that continue until you resign or the
2 power of attorney is terminated or revoked. You must:

3 (1) do what you know the principal reasonably expects you to do with
4 the principal's property or, if you do not know the principal's expectations, act
5 in the principal's best interests;

6 (2) act in good faith;

7 (3) do nothing beyond the authority granted in this power of attorney;

8 and

9 (4) disclose your identity as an agent whenever you act for the principal
10 by writing or printing the name of the principal and signing your own name as
11 "agent" in the following manner: (Principal's Name) by (Your Signature) as
12 Agent.

13 Unless the Special Instructions in this power of attorney state otherwise,
14 you must also:

15 (1) act loyally for the principal's benefit;

16 (2) avoid conflicts that would impair your ability to act in the principal's
17 best interest;

18 (3) act with care, competence, and diligence;

19 (4) keep a record of all receipts, disbursements, and transactions made
20 on behalf of the principal;

1 Liability of Agent

2 The meaning of the authority granted to you is defined in the Vermont
3 Uniform Power of Attorney Act, 14 V.S.A. chapter 127. If you violate the
4 Vermont Uniform Power of Attorney Act, or act outside the authority granted,
5 you may be liable for any damages caused by your violation. In addition to
6 civil liability, failure to comply with your duties and authority granted under
7 this document could subject you to criminal prosecution.

8 If there is anything about this document or your duties that you do not
9 understand, you should seek legal advice.

10 Sec. 17. 14 V.S.A. § 4052 is amended to read:

11 § 4052. STATUTORY SHORT FORM POWER OF ATTORNEY FOR

12 REAL ESTATE TRANSACTIONS

13 (a) A document substantially in the following form may be used to create a
14 statutory form power of attorney for a real estate transaction that has the
15 meaning and effect prescribed by this chapter. Nothing in this section shall
16 prohibit a principal from using this form to grant other powers to an agent with
17 respect to real property consistent with section 4034 of this title.

18 VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT

19 INFORMATION

20 This power of attorney authorizes another person (your agent) to take
21 actions for you (the principal) in connection with a real estate transaction (sale,

1 purchase, mortgage, ~~or~~ gift, or other authorized real estate transaction). Your
2 agent will be able to make decisions and act with respect to a specific parcel of
3 land whether or not you are able to act for yourself. The meaning of authority
4 over subjects listed on this form is explained in the Vermont Uniform Power of
5 Attorney Act, 14 V.S.A. chapter 127.

6 DESIGNATION OF AGENT

7 I/we _____ and _____

8 (Name(s) of Principal) appoint the following person as my (our) agent:

9 Name of Agent: _____

10 Name of ~~Alternate~~ Successor Agent: _____

11 Address of Property that is the subject of this power of attorney

12 (Street): _____, (Municipality)

13 _____, Vermont.

14 Transaction for which the power of attorney is given:

15 Sale

16 Purchase or Acquisition

17 ~~Mortgage~~

18 Finance and/or Mortgage

19 Gift

20 Other _____

1

GRANT OF AUTHORITY

2

I/we grant my (our) agent and any ~~alternate~~ successor agent authority

3

named in this power of attorney to act for me/us with respect to a real estate

4

transaction involving the property with the address stated above, including, but

5

not limited to, the powers described in 14 V.S.A. § 4034(2), (3), and (4) as

6

provided in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter

7

127, together with the incidental powers enumerated in section 4033 of that

8

chapter.

9

POWER TO DELEGATE

10

If this box is checked, each agent appointed in this power of attorney

11

may delegate the authority to act to another person. Any delegation shall be in

12

writing and executed in the same manner as this power of attorney.

13

TERM

14

This power of attorney commences when fully executed and continues until

15

the real estate transaction for which it was given is complete.

16

SELF ~~HEALING~~ DEALING

17

If this box is checked, the agent named in this power of attorney may

18

convey the subject real estate with or without consideration to the agent,

19

individually, in trust, or to one or more persons with the agent.

1

CHOICE OF LAW

2

This power of attorney and the effect hereof shall be determined by the

3

application of Vermont law and the Vermont Uniform Power of Attorney Act.

4

SIGNATURE AND ACKNOWLEDGMENT

5

6

Your Name Printed

7

8

Your Address

9

Your Telephone Number _____

10

State of _____

11

County of _____

12

This document was acknowledged before me on _____ (Date)

13

by _____

14

(Name of Principal)

15

_____(Seal, if any)

16

Signature of Notary _____

17

My Commission expires: _____

18

(b) A power of attorney in the form above confers on the agent the powers

19

provided in subdivisions 4034(2), (3), and (4) of this chapter.

1 Sec. 18. 27 V.S.A. § 305 is amended to read:

2 § 305. CONVEYANCES EFFECTED THROUGH POWER OF ATTORNEY

3 (a) A deed or other conveyance of lands or of an estate or interest therein,
4 made by virtue of a power of attorney, shall not be of any effect or admissible
5 in evidence unless the power of attorney is signed, ~~witnessed by one or more~~
6 ~~witnesses~~, acknowledged, and recorded in the office where the deed is required
7 to be recorded.

8 * * *

9 Sec. 19. 27 V.S.A. § 657 is amended to read:

10 § 657. EXECUTION BY GUARDIAN; USE OF POWER OF ATTORNEY

11 (a) With the approval of the Probate Division, a guardian may convey the
12 real property of a person under guardianship by an ELE deed.

13 (b) An ELE deed may be executed by an agent under a power of attorney if
14 the power of attorney complies with the ~~requirements of 14 V.S.A. chapter 123~~
15 following, including any applicable gifting and self-dealing provisions:

16 (1) 14 V.S.A. chapter 123, if the ELE deed was executed before July 1,
17 2023; or

18 (2) 14 V.S.A. chapter 127, if the ELE deed was executed on or after July
19 1, 2023.

1 Sec. 20. 15 V.S.A. § 558 is amended to read:

2 § 558. ~~WOMAN SPOUSE~~ ALLOWED TO TAKE MAIDEN PRIOR
3 NAME

4 Upon granting a divorce ~~to a woman~~, unless good cause is shown to the
5 contrary, the court ~~may~~ shall allow ~~her~~ a spouse to resume ~~her maiden~~ the
6 spouse's prior name or the name of a former ~~husband~~ spouse.

7 Sec. 21. 15 V.S.A. § 788 is amended to read:

8 § 788. PARENT'S RESPONSIBILITY

9 (a) Any parent subject to a child support or parental rights and
10 responsibilities order shall notify in writing the court ~~which~~ that issued the
11 most recent order and the Office of Child Support of ~~his or her~~ the parent's
12 current mailing address and current residence address and of any change in
13 either address within seven business days ~~of~~ after the change, until all
14 obligations to pay support or support arrearages, or to provide for parental
15 rights and responsibilities are satisfied. For good cause, the court may keep
16 information provided under this subsection confidential.

17 (b) When a wage withholding order is in effect, either parent shall notify in
18 writing the registry of the name and address of a new employer within seven
19 days ~~of~~ after commencing new employment. If the Registry has received
20 information that a parent has changed employment, it shall notify the other
21 parent of the fact of the change but shall not disclose the identity or the

1 location of the employer. On request of a parent, the Registry shall provide
2 information on the other parent's wages.

3 (c)(1) In all cases in which a temporary or final order for relief from abuse
4 has been entered, information provided under this section shall be kept
5 confidential by the court. The court, for good cause shown, may release such
6 information.

7 (2) For purposes of this subsection, good cause shall be deemed
8 established when:

9 (A) a party to the relief from the abuse order consents to the release
10 of the party's own information, in which case the court may release that party's
11 information; or

12 (B) the temporary or final order for relief from abuse is no longer in
13 effect.

14 Sec. 22. 23 V.S.A. § 203 is amended to read:

15 § 203. COUNTERFEITING, FRAUD, AND MISUSE; PENALTY

16 (a) A person shall not:

17 * * *

18 (2) display or cause or permit to be displayed, or have in ~~his or her~~ the
19 person's possession, any fictitious or fraudulently altered operator's license,
20 learner's permit, nondriver identification card, inspection sticker, registration
21 certificate, or in-transit registration permit, or display for any fraudulent

1 purpose an expired or counterfeit insurance identification card or similar
2 document;

3 * * *

4 (b)(1) Except as provided in subdivision (2) of this subsection, a violation
5 of subsection (a) of this section shall be a traffic violation for which there shall
6 be a penalty of not more than \$1,000.00. If a person is found to have
7 committed the violation, the person's privilege to operate motor vehicles shall
8 be suspended for 60 days.

9 (2)(A) If a person may be charged with a violation of subdivision (a)(2)
10 of this section or with a violation of 7 V.S.A. § 656, the person shall be
11 charged with a violation of 7 V.S.A. § 656 and not with a violation of this
12 section.

13 (B) If a person may be charged with a violation of subdivision (a)(2)
14 of this section or with a violation of 7 V.S.A. § 1005, the person shall be
15 charged with a violation of 7 V.S.A. § 1005 and not with a violation of this
16 section.

17 Sec. 23. 27 V.S.A. § 349 is amended to read:

18 § 349. CONVEYANCE TO GRANTOR AND OTHERS

19 (a)(1) Without an intervening conveyance, a person may convey interests
20 in real estate directly:

21 ~~(1)(A)~~ to ~~himself or herself~~ themselves in a different legal capacity; or

1 ~~(2)(B)~~ to ~~his or her~~ the person's spouse; or

2 ~~(3)(C)~~ to ~~himself or herself~~ themselves and one or more other persons,
3 including ~~his or her~~ the person's spouse.

4 (2) A person shall not convey an interest in a tenancy by the entirety or
5 in homestead property to any person except ~~his or her~~ the person's spouse,
6 unless the spouse joins in the conveyance.

7 (b) A conveyance made pursuant to this section shall be effective to convey
8 such title as would be conveyed by the deed if the grantor were not also a
9 grantee.

10 Sec. 24. 27 V.S.A. § 378 is amended to read:

11 § 378. EFFECT OF RECORDING UNACKNOWLEDGED DEED

12 A person interested in a deed or lease not acknowledged may cause the deed
13 or lease to be recorded without acknowledgment before or during the
14 application to the court or the proceedings before any of the authorities named
15 in sections ~~371-376~~ 371-375 of this title; and, when so recorded in the proper
16 office, it shall be as effectual as though the same had been duly acknowledged
17 and recorded for 60 days thereafter. If such proceedings for proving the
18 execution of the deed are pending at the expiration of such 60 days, the effect
19 of such record shall continue until the expiration of six business days after the
20 termination of the proceedings.

1 Sec. 25. 27 V.S.A. § 1302 is amended to read:

2 § 1302. DEFINITIONS

3 As used in this chapter, unless the context otherwise requires:

4 * * *

5 (7) “Common expenses” include:

6 (A) all sums lawfully assessed against the apartment or site owners
7 by the association of owners;

8 (B) expenses of administration, maintenance, repair, or replacement
9 of the common areas and facilities;

10 (C) expenses agreed upon as common expenses by the association of
11 owners; and

12 (D) expenses declared common expenses by this chapter, or by the
13 declaration or the bylaws.

14 * * *

15 Sec. 26. 27 V.S.A. § 1470(a) is amended to read:

16 (a) ~~It~~ As used in this section, “Death Master File” means the U.S. Social
17 Security Administration Death Master File or other database or service that is
18 at least as comprehensive as the U.S. Social Security Administration Death
19 Master File for determining that an individual reportedly has died.

1 Sec. 27. 27 V.S.A. § 1531(b) is amended to read:

2 (b) Before selling property under subsection (a) of this section, the

3 Administrator shall give notice to the public of:

4 (1) the date of the sale; and

5 (2) a reasonable description of the property.

6 Sec. 28. 27 V.S.A. § 1533(b) is amended to read:

7 (b) Replacement of the security or calculation of market value under
8 subsection (a) of this section must take into account a stock split, reverse stock
9 split, stock dividend, or similar corporate action.

10 Sec. 29. 27 V.S.A. § 1552(c) is amended to read:

11 (c) The Administrator shall decide a claim under this section not later than
12 90 days after it is presented. If the Administrator determines that the other
13 state is entitled under subsection (a) of this section to custody of the property,
14 the Administrator shall allow the claim and pay or deliver the property to the
15 other state.

16 Sec. 30. 27 V.S.A. § 1595(a) is amended to read:

17 (a) If a holder enters into a contract or other arrangement for the purpose of
18 evading an obligation under this chapter or otherwise willfully fails to perform
19 a duty imposed on the holder under this chapter, the Administrator may require
20 the holder to pay the Administrator, in addition to interest as provided in
21 subsection 1594(a) of this title, a civil penalty of \$1,000.00 for each day the

1 obligation is evaded or the duty is not performed, up to a cumulative maximum
2 amount of \$25,000.00, plus 25 percent of the amount or value of property that
3 should have been but was not reported, paid, or delivered as a result of the
4 evasion or failure to perform.

5 Sec. 31. REPEAL

6 27 V.S.A. chapter 7, subchapter 4 (congregational churches) is repealed.

7 Sec. 32. CONSTRUCTION OF ACT; PROPERTY INTERESTS NOT
8 AFFECTED

9 Sec. 31 of this act repeals 27 V.S.A. chapter 7, subchapter 4 for the purpose
10 of removing the statutory duties and procedures governing the transfer of
11 property by congregational churches. This act shall not be construed to affect
12 a religious corporation's rights or property interest in congregational church
13 property. This act shall not supersede any act of the General Assembly that
14 vested specific rights or interests in, or established specific procedures for the
15 transfer of property by, a chartered religious corporation.

16 Sec. 33. 28 V.S.A. § 126 is amended to read:

17 § 126. COORDINATED JUSTICE REFORM ADVISORY COUNCIL

18 * * *

19 (c) Powers and duties. The Coordinated Justice Reform Advisory Council
20 shall:

21 * * *

1 (c) The Commissioner is charged with the following responsibilities:

2 * * *

3 (23) To include the Coordinated Justice Reform Advisory Council's
4 appropriation recommendations made pursuant to subdivision 126(c)(5) of this
5 title in the Department's annual proposed budget for the next subsequent fiscal
6 year for the purposes of developing the State budget required to be submitted
7 to the General Assembly in accordance with 32 V.S.A. § 306.

8 Sec. 35. 29 V.S.A. § 561 is added to read:

9 § 561. RELEASE OF OIL AND GAS LEASES

10 (a) After the expiration, cancellation, surrender, or relinquishment of an oil
11 and gas lease, upon written request of the lessor, the lessee shall file a release
12 or discharge of the lease in the land records of the town or towns where the
13 lands described in the lease are located. The filing shall be in recordable form
14 and shall include any fees.

15 (b) If any lessee, or the lessee's personal representative, successor, or
16 assign, fails or refuses to record a release for a period of 30 days after being so
17 requested, the lessee shall be liable for all damages occasioned thereby,
18 including costs and reasonable attorney's fees.

19 (c) A lessor's request for release or discharge shall be in writing and
20 delivered to the lessee by personal service or registered mail at the lessee's last
21 known address.

1 Sec. 36. 29 V.S.A. § 563 is added to read:

2 § 563. ABANDONMENT OF OIL AND GAS INTERESTS;

3 PRESERVATION

4 (a) An abandoned interest in oil and gas shall revert to and merge with the
5 surface estate from which it was severed.

6 (b) An interest in oil and gas is deemed abandoned at any time that:

7 (1) it has been unused for a continuous period of 10 years after July 1,
8 1973; and

9 (2) no statement of interest under subsection (e) of this section has been
10 filed at any time within the preceding five years.

11 (c) The provisions of subsection (b) of this section shall not apply to any
12 interest in oil or gas that has been retained by the owner who originally severed
13 the mineral estate from the surface estate, notwithstanding that other interests
14 in the land, including ownership of the surface, may have been sold, leased,
15 mortgaged, or otherwise transferred.

16 (d) This section applies to all interests in oil and gas. It also applies to
17 interests in other minerals if created inclusively in the same instrument that
18 expressly creates an oil and gas interest. It does not apply to mineral interests
19 that do not expressly include an oil and gas interest or were intended to be
20 separate from an oil and gas interest.

21 (e) An interest in oil and gas is deemed used at any time in which:

1 (1) there is actual production of oil or gas, including production from
2 lands covered by a lease to which an oil and gas interest is subject, or from
3 lands pooled or unitized with such lands;

4 (2) oil and gas operations are conducted under the terms of the
5 instrument creating the oil and gas interest;

6 (3) payment is made of rental or royalties for the purpose of delaying the
7 use or continuing the use of the oil and gas interest;

8 (4) payment of taxes is made on the oil and gas interest; or

9 (5) there exists a currently valid permit under 10 V.S.A. chapter 151 or a
10 currently valid drilling permit under this chapter for development of the oil and
11 gas interest.

12 (f) The owner of an interest in oil or gas may file a statement of interest in
13 the land records of any municipality in which the land affected is located. The
14 statement shall include a description of the land affected, the nature of the
15 interest claimed, the book and page of recording of the original grant of the
16 interest, and the name and address of the person claiming the interest.

17 (g) The owner of the surface estate from which an oil and gas interest was
18 severed may give notice of abandonment under this subsection. Notice shall
19 contain the name of the record owner of the interest; a description of the land
20 and the nature of the interest; the book and page of filing of the interest, if it is
21 filed; the name and address of the person giving notice; and a statement that

1 the interest is presumed abandoned. The notice shall be published in a
2 newspaper of general circulation in the town or towns where the land affected
3 is located. If the address of the owner of the oil and gas interest is shown on
4 record, a copy of the notice shall be mailed to that address by certified or
5 registered mail within 10 days after the date of publication.

6 (h) A copy of the notice under subsection (g) of this section, and an
7 affidavit, may be filed in the land records of the municipality in which the land
8 is located. The affidavit shall state that the oil or gas interest has been
9 abandoned under the criteria set forth in subsection (b) of this section, and that
10 notice of abandonment has been given under the criteria set forth in subsection
11 (g). After the notice and affidavit have been filed, unless a court finds to the
12 contrary, the oil and gas interest shall be presumed abandoned, and the interest
13 of the surface owner shall be presumed for all purposes free of encumbrance
14 from that interest.

15 Sec. 37. 2022 Acts and Resolves No. 165, Secs. 8–10 are amended to read:

16 Sec. 8. [Deleted.]

17 Sec. 9. [Deleted.]

18 Sec. 10. [Deleted.]

19 Sec. 38. 2022 Acts and Resolves No. 165, Sec. 11(d) is amended to read:

20 ~~(d) Secs. 8–10 (repeal of authority to use gun suppressors while hunting)~~
21 ~~shall take effect on July 1, 2024.~~ [Deleted.]

1 Sec. 39. REPEAL OF DEPARTMENT OF CORRECTIONS PILOT
2 PROJECT

3 Sec. 2 of 2021 Acts and Resolves No. 14 (Department of Corrections pilot
4 project requiring report to court prior to sentencing a defendant to a term of
5 probation for a felony) is repealed.

6 Sec. 40. 20 V.S.A. § 4626 is added to read:

7 § 4626. DRONES; OPERATION OVER PRIVATE PROPERTY WITHOUT
8 CONSENT OF OWNER; CIVIL PENALTY

9 (a) A person shall not fly a drone for hobby or recreational purposes at an
10 altitude of less than 100 feet above privately owned real property unless the
11 person has obtained prior written consent from the property owner.

12 (b) A person shall not, without the prior written consent of the property
13 owner or occupant, use a drone to record an image of privately owned real
14 property or of the owner or occupant of the property with the intent to conduct
15 surveillance on the person or the property in violation of the person's
16 reasonable expectation of privacy. For purposes of this subsection, a person is
17 presumed to have a reasonable expectation of privacy on the person's privately
18 owned real property if the person is not observable by another person located
19 at ground level in a place where the other person has a legal right to be,
20 regardless of whether the person is observable from the air using a drone.

1 (c) A person engaged in the business of selling drones shall provide written
2 notice to each purchaser of a drone required to be registered by the U.S.
3 Department of Transportation about the requirements under subsections (a) and
4 (b) of this section for flying a drone above privately owned real property
5 without the property owner’s prior written consent.

6 (d) A person who violates this section shall be assessed a civil penalty of
7 not more than:

8 (1) \$50.00 for a first violation; or

9 (2) \$250.00 for a second or subsequent violation.

10 (e) As used in this section:

11 (1) “Property owner” means a person who owns, leases, licenses, or
12 otherwise controls ownership or use of land, or an employee or agent of that
13 person.

14 (2) “Surveillance” means:

15 (A) with respect to an owner or occupant of privately owned real
16 property, the observation of the person with sufficient visual clarity to be able
17 to obtain information about the person’s identity, habits, conduct, movements,
18 or whereabouts; or

19 (B) with respect to privately owned real property, the observation of
20 the property’s physical improvements with sufficient visual clarity to be able to

1 determine unique identifying features about the property or information about
2 its owners or occupants.

3 (f) This section shall not apply to the use of drones by:

4 (1) distribution or transmission utilities or their contractors for purposes
5 of ensuring system reliability and resiliency; or

6 (2) a law enforcement officer for legitimate law enforcement purposes.

7 Sec. 41. 4 V.S.A. § 1102 is amended to read:

8 § 1102. JUDICIAL BUREAU; JURISDICTION

9 * * *

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

11 * * *

12 (33) Violations of 20 V.S.A. § 4626, relating to flying, and providing
13 information about flying, a drone above privately owned real property without
14 the owner's consent.

15 * * *

16 Sec. 42. [Deleted.]

17 Sec. 43. 32 V.S.A. § 9617 is amended to read:

18 § 9617. NOTICES; APPEALS

19 Unless otherwise provided by this title:

20 * * *

1 (8)(A) At any time within three years after the date a property is
2 transferred, a taxpayer may petition the Commissioner in writing for the refund
3 of all or any part of the amount of tax paid. The Commissioner shall thereafter
4 grant a hearing subject to the provisions of 3 V.S.A chapter 25 upon the matter
5 and notify the taxpayer in writing of the Commissioner's determination
6 concerning the refund request. The Commissioner's determination may be
7 appealed as provided in subdivision (5) of this section. This shall be a
8 taxpayer's exclusive remedy with respect to the refund of taxes under this
9 chapter, except as provided under subdivision (B) of this ~~subsection~~
10 subdivision (8).

11 (B) If the transfer taxed by this chapter was an enhanced life estate
12 interest and that interest is revoked or revised pursuant to 27 V.S.A. chapter 6,
13 the person who paid the tax may petition for a refund, ~~provided that the~~
14 ~~petition is made within eight years after the date of payment of the tax and~~
15 ~~within one year at any time~~ after the date of revocation or revision. ~~No petition~~
16 ~~for a refund shall be granted for the revocation or revision of an interest that~~
17 ~~occurred eight years or more after the date of payment of the tax.~~ In the case
18 of a revision, the revised enhanced life estate interest transfer shall be subject
19 to tax under this chapter.

20 Sec. 44. [Deleted.]

1 Sec. 45. 13 V.S.A. § 2606 is amended to read:

2 § 2606. DISCLOSURE OF SEXUALLY EXPLICIT IMAGES WITHOUT
3 CONSENT

4 (a) As used in this section:

5 (1) “Disclose” includes transfer, publish, distribute, exhibit, or
6 reproduce.

7 (2) “Harm” means physical injury, financial injury, or serious emotional
8 distress.

9 (3) “Nude” means any one or more of the following uncovered parts of
10 the human body:

11 (A) genitals;

12 (B) pubic area;

13 (C) anus; or

14 (D) post-pubescent female nipple.

15 (4) “Sexual conduct” shall have the same meaning as in section 2821 of
16 this title.

17 (5) “Visual image” includes a photograph, film, videotape, recording, or
18 digital reproduction, including an image created or altered by digitization.

19 (6) “Digitization” means the process of altering an image in a realistic
20 manner utilizing an image or images of a person, including images other than
21 the person depicted, or computer-generated images.

1 (b)(1) A person violates this section if ~~he or she~~ the person knowingly
2 discloses a visual image of an identifiable person who is nude or who is
3 engaged in sexual conduct, without ~~his or her~~ the person's consent, with the
4 intent to harm, harass, intimidate, threaten, or coerce the person depicted, and
5 the disclosure would cause a reasonable person to suffer harm. A person may
6 be identifiable from the image itself or information offered in connection with
7 the image. Consent to recording or production of the visual image does not, by
8 itself, constitute consent for disclosure of the image. A person who violates
9 this subdivision (1) shall be imprisoned not more than two years or fined not
10 more than \$2,000.00, or both.

11 (2) A person who violates subdivision (1) of this subsection with the
12 intent of disclosing the image for financial profit shall be imprisoned not more
13 than five years or fined not more than \$10,000.00, or both.

14 (c) A person who maintains an ~~Internet~~ internet website, online service,
15 online application, or mobile application that contains a visual image of an
16 identifiable person who is nude or who is engaged in sexual conduct shall not
17 solicit or accept a fee or other consideration to remove, delete, correct, modify,
18 or refrain from posting or disclosing the visual image if requested by the
19 depicted person.

20 (d) This section shall not apply to:

1 (1) Images involving voluntary nudity or sexual conduct in public or
2 commercial settings or in a place where a person does not have a reasonable
3 expectation of privacy.

4 (2) Disclosures made in the public interest, including the reporting of
5 unlawful conduct, or lawful and common practices of law enforcement,
6 criminal reporting, corrections, legal proceedings, or medical treatment.

7 (3) Disclosures of materials that constitute a matter of public concern.

8 (4) Interactive computer services, as defined in 47 U.S.C. § 230(f)(2), or
9 information services or telecommunications services, as defined in 47 U.S.C.
10 § 153, for content solely provided by another person. This subdivision shall
11 not preclude other remedies available at law.

12 (e)(1) A plaintiff shall have a private cause of action against a defendant
13 who knowingly discloses, without the plaintiff's consent, an identifiable visual
14 image of the plaintiff while ~~he or she~~ the plaintiff is nude or engaged in sexual
15 conduct and the disclosure causes the plaintiff harm.

16 (2) In addition to any other relief available at law, the court may order
17 equitable relief, including a temporary restraining order, a preliminary
18 injunction, or a permanent injunction ordering the defendant to cease display
19 or disclosure of the image. The court may grant injunctive relief maintaining
20 the confidentiality of a plaintiff using a pseudonym.

1 Sec. 46. 15A V.S.A. § 3-504 is amended to read:

2 § 3-504. GROUNDS FOR TERMINATING RELATIONSHIP OF PARENT
3 AND CHILD

4 (a) If a respondent answers or appears at the hearing and asserts parental
5 rights, the court shall proceed with the hearing expeditiously. If the court
6 finds, upon clear and convincing evidence, that any one of the following
7 grounds exists and that termination is in the best interests of the minor, the
8 court shall order the termination of any parental relationship of the respondent
9 to the minor:

10 * * *

11 (2) In the case of a minor over six months of age at the time the petition
12 is filed, the respondent did not exercise parental responsibility for a period of
13 at least six months immediately preceding the filing of the petition. In making
14 a determination under this subdivision, the court shall consider all relevant
15 factors, which may include the respondent's failure to:

16 (A) ~~make reasonable and consistent payments, in accordance with his~~
17 ~~or her financial means, for the support of the minor, although legally obligated~~
18 ~~to do so; [Repealed.]~~

19 (B) regularly communicate or visit with the minor; or

1 (C) during any time the minor was not in the physical custody of the
2 other parent, manifest an ability and willingness to assume legal and physical
3 custody of the minor.

4 * * *

5 Sec. 47. 13 V.S.A. § 3835 is added to read:

6 § 3835. SURVEILLANCE DEVICES; PLACEMENT ON PRIVATE
7 PROPERTY WITHOUT CONSENT OF OWNER; CIVIL
8 PENALTY

9 (a) A person shall not place a camera or other surveillance device on any
10 privately owned real property with the intent to conduct surveillance on a
11 person or the property unless the person has obtained prior written consent
12 from the property owner.

13 (b) A person who violates this section shall be assessed a civil penalty of
14 not more than:

15 (1) \$50.00 for a first violation; or

16 (2) \$250.00 for a second or subsequent violation.

17 (c) This section shall not apply to the use of a camera or other surveillance
18 device by a law enforcement officer for legitimate law enforcement purposes.

19 (d) As used in this section:

1 (2) “Secure” means that residents may be physically prevented from
2 leaving the residence by means of locking devices or other mechanical or
3 physical mechanisms.

4 Sec. 50. REPORT; COMPETENCY RESTORATION PROGRAM; FISCAL
5 ESTIMATE

6 On or before November 1, 2024, the Agency of Human Services shall
7 submit a report to the House Committees on Appropriations and on Health
8 Care and to the Senate Committees on Appropriations and on Health and
9 Welfare that provides a fiscal estimate for the implementation of a competency
10 restoration program operated or under contract with the Department of Mental
11 Health. The estimate shall include:

12 (1) whether and how to serve individuals with an intellectual disability
13 in a competency restoration program;

14 (2) varying options dependent upon which underlying charges are
15 eligible for court-ordered competency restoration; and

16 (3) costs associated with establishing a residential program where court-
17 ordered competency restoration programming may be performed on an
18 individual who is neither in the custody of the Commissioner of Mental Health
19 pursuant to 13 V.S.A. § 4822 nor in the custody of the Commissioner of
20 Disabilities, Aging, and Independent Living pursuant to 13 V.S.A. § 4823.

21 Sec. 51. [Deleted.]

1 Sec. 52. [Deleted.]

2 Sec. 53. [Deleted.]

3 Sec. 54. DEPARTMENT OF PUBLIC SAFETY PROPOSAL; ASSET
4 FORFEITURE REPORTING

5 On or before December 15, 2024, the Department of Public Safety shall
6 report to the Senate and House Committees on Judiciary proposed options for
7 compiling and submitting periodic reports to the Legislature containing data
8 about criminal and civil seizures and forfeitures made by law enforcement
9 agencies in Vermont under federal and State law. The proposed options shall:

10 (1) further the goal of increasing transparency with respect to asset
11 seizures and forfeitures;

12 (2) describe how the data could be formatted in an understandable and
13 consumable manner; and

14 (3) include options for providing data about:

15 (A) how often asset seizure and forfeitures occur in Vermont;

16 (B) the types of offenses that result in asset seizure and forfeitures;

17 (C) the disposition of cases in which an asset seizure or forfeiture
18 occurred; and

19 (D) how the seized or forfeited property was allocated and used.

1 Sec. 55. [Deleted.]

2 Sec. 56. 18 V.S.A. § 4201 is amended to read:

3 § 4201. DEFINITIONS

4 As used in this chapter:

5 * * *

6 (40) "~~Crack cocaine~~" means the free base form of cocaine. [Repealed.]

7 * * *

8 Sec. 57. 18 V.S.A. § 4231 is amended to read:

9 § 4231. COCAINE

10 * * *

11 (c) Trafficking.

12 (1) ~~Trafficking.~~ A person knowingly and unlawfully possessing cocaine
13 in an amount consisting of 150 grams or more of one or more preparations,
14 compounds, mixtures, or substances containing cocaine with the intent to sell
15 or dispense the cocaine shall be imprisoned not more than 30 years or fined not
16 more than \$1,000,000.00, or both. There shall be a permissive inference that a
17 person who possesses cocaine in an amount consisting of 150 grams or more of
18 one or more preparations, compounds, mixtures, or substances containing
19 cocaine intends to sell or dispense the cocaine. The amount of possessed
20 cocaine under this subdivision to sustain a charge of conspiracy under
21 13 V.S.A. § 1404 shall be ~~no~~ not less than 400 grams in the aggregate.

1 (2) ~~A person knowingly and unlawfully possessing crack cocaine in an~~
2 ~~amount consisting of 60 grams or more of one or more preparations,~~
3 ~~compounds, mixtures, or substances containing crack cocaine with the intent to~~
4 ~~sell or dispense the crack cocaine shall be imprisoned not more than 30 years~~
5 ~~or fined not more than \$1,000,000.00, or both. There shall be a permissive~~
6 ~~inference that a person who possesses crack cocaine in an amount consisting of~~
7 ~~60 grams or more of one or more preparations, compounds, mixtures, or~~
8 ~~substances containing crack cocaine intends to sell or dispense the crack~~
9 ~~cocaine. [Repealed.]~~

10 Sec. 58. EFFECTIVE DATES

11 This act shall take effect on passage, except that notwithstanding 1 V.S.A.
12 § 214, Sec. 12 (13 V.S.A. § 7282) shall take effect on passage and shall apply
13 retroactively to July 1, 2023.