

1 Introduced by Committee on Judiciary

2 Date:

3 Subject: Court procedure; criminal procedure; miscellaneous amendments

4 Statement of purpose of bill as introduced: This bill proposes to make a
5 number of miscellaneous amendments related to civil and criminal procedure
6 statutes.

7 An act relating to miscellaneous judiciary procedures

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

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

10 § 41. COURT SECURITY OFFICERS

11 (a) Authorization. The Court Administrator shall define the scope of duties
12 for Judiciary-employed Court Security Officers. The Court Administrator
13 shall have direct authority over Judiciary-employed Court Security Officers
14 and may authorize them to perform law enforcement judicial security officer
15 functions necessary for the performance of their duties.

16 (b) Training. The Court Administrator shall develop a training;
17 certification, and recertification program pursuant to appropriate training
18 standards that shall include advanced training in non-lethal use of force and
19 law enforcement to perform judicial security officer functions. The Court
20 Administrator shall establish a use of force policy based on State standards.

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

6 (d) Coordination of Judiciary security. Judiciary-employed Court Security
7 Officers shall provide security at court properties and at other **locations and**
8 **court-related functions** for the Vermont Judiciary at the direction of the Court
9 Administrator.

10 (e) Construction. This section shall not be construed to limit the Court
11 Administrator’s authority to hire additional court security personnel, including
12 private security guards and County Sheriffs.

13 **Sec. 2. 4 V.S.A. § 355 is amended to read:**

14 **§ 355. DISQUALIFICATION OR DISABILITY OF JUDGE**

15 **When a Probate judge is incapacitated for the duties of office by absence,**
16 **removal from the district, resignation, sickness, death, or otherwise or if the**
17 **judge or the judge’s spouse or child is heir or legatee under a will filed in the**
18 **judge’s district, or if the judge is executor or administrator of the estate of a**
19 **deceased person in ~~his or her~~ the judge’s district, or is interested as a creditor**
20 **or otherwise in a question to be decided by the court, ~~he or she~~ the judge shall**

1 not act as judge. The judge's duties shall be performed by a Superior judge
2 assigned by the presiding judge of the unit.

3 Sec. 3. 4 V.S.A. § 1102 is amended to read:

4 § 1102. JUDICIAL BUREAU; JURISDICTION

5 * * *

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

7 * * *

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

10 * * *

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

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

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

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

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

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

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

3 * * *

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

5 § 3087. ~~RECOGNIZANCE FOR TRUSTEE'S COSTS~~

6 ~~The plaintiff in a trustee process shall give security for costs to the trustee~~
7 ~~by way of recognizance by some person other than the plaintiff. The security~~
8 ~~shall be in the sum of \$50.00 for a summons returnable to a Superior Court. If~~
9 ~~trustee process issues without a minute of the recognizance, with the name of~~
10 ~~the surety and the sum in which he or she is bound, signed by the clerk~~
11 ~~thereon, the trustee shall be discharged. [Repealed.]~~

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

13 § 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

14 (a) Short title. This section may be cited as the “Bill of Rights for Sexual
15 Assault Survivors.”

16 (b) Definition. As used in this section, “sexual assault survivor” means a
17 person who is a victim of an alleged sexual offense.

18 (c) Survivors' rights. When a sexual assault survivor makes a verbal or
19 written report to a law enforcement officer, emergency department, sexual
20 assault nurse examiner, or victim's advocate of an alleged sexual offense, the

1 recipient of the report shall provide written notification to the survivor that ~~he~~
2 ~~or she~~ the survivor has the following rights:

3 (1) The right to receive a medical forensic examination and any related
4 toxicology testing at no cost to the survivor in accordance with 32 V.S.A. §
5 1407, irrespective of whether the survivor reports to or cooperates with law
6 enforcement. If the survivor opts to have a medical forensic examination, ~~he~~
7 ~~or she~~ the survivor shall have the following additional rights:

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

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

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

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

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

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

4 (i) receive written notification from the appropriate official with
5 custody not later than 60 days before the date of the kit’s intended destruction
6 or disposal; and

7 (ii) be granted further preservation of the kit or its probative
8 contents.

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

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

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

14 (5) The right to information about confidentiality.

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

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

2 § 3401. DEFINITION AND PUNISHMENT OF TREASON

3 A person owing allegiance to this State, who levies war or conspires to levy
4 war against the same, or adheres to the enemies thereof, giving them aid and
5 comfort, within the State or elsewhere, shall be guilty of treason against this
6 State and shall ~~suffer the punishment of death~~ be imprisoned for not less than
7 25 years with a maximum term of life and, in addition, may be fined not more
8 than \$50,000.00.

9 Sec. 8. REPEALS

10 The following sections are repealed: 13 V.S.A. § 7101 (sentence and
11 warrant); 13 V.S.A. § 7102 (pardon); 13 V.S.A. § 7103 (place of execution);
12 13 V.S.A. § 7104 (manner of confinement); 13 V.S.A. § 7105 (persons present
13 at execution); 13 V.S.A. § 7106 (manner of execution); 13 V.S.A. § 7107
14 (returns of Commissioner).

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

16 § 4056. SERVICE

17 (a) A petition, ex parte temporary order, or final order issued under this
18 subchapter shall be served in accordance with the Vermont Rules of Civil
19 Procedure and may be served by any law enforcement officer. A court that
20 issues an order under this chapter during court hours shall promptly transmit

1 the order electronically or by other means to a law enforcement agency for
2 service; and shall deliver a copy to the holding station.

3 (b) A respondent who attends a hearing held under section 4053, 4054, or
4 4055 of this title at which a temporary or final order under this subchapter is
5 issued and who receives notice from the court on the record that the order has
6 been issued shall be deemed to have been served. A respondent notified by the
7 court on the record shall be required to adhere immediately to the provisions of
8 the order. ~~However, even when the court has previously notified the~~
9 ~~respondent of the order, the court shall transmit the order for additional service~~
10 ~~by a law enforcement agency. The clerk shall mail a copy of the order to the~~
11 ~~respondent at the respondent's last known address.~~

12 * * *

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

14 § 4814. ORDER FOR EXAMINATION OF COMPETENCY

15 * * *

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

20 * * *

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

2 § 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

3 * * *

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

10 * * *

11 Sec. 12. 13 V.S.A. § 7282(c) is amended to read:

12 (c) SIU surcharge. In addition to any penalty or fine imposed by the court
13 ~~or Judicial Bureau~~ for a criminal offense committed after July 1, 2009, the
14 clerk of the court ~~or Judicial Bureau~~ shall levy an additional surcharge of
15 \$100.00 to be deposited in the General Fund, in support of the Specialized
16 Investigative Unit Grants Board created in 24 V.S.A. § 1940(c), and used to
17 pay for the costs of Specialized Investigative Units.

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

19 (3) All records of information obtained during risk assessment or needs
20 screening shall be stored in a manner making them accessible only to the
21 Director of Pretrial Services and pretrial service coordinators for a period of

1 three years, after which the records shall be maintained as required by sections
2 ~~117 and 218 of this title~~ 3 V.S.A. §§ 117 and 218 and any other State law. The
3 Director of Pretrial Services shall be responsible for the destruction of records
4 when ordered by the court.

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

6 § 4020. LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED

7 ~~STATUTORY FORM~~ POWER OF ATTORNEY

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

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

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

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

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

4 (c) A person is not required to accept an acknowledged ~~statutory form~~
5 power of attorney if:

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

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

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

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

14 (5) the person in good faith believes that the power is not valid or that
15 the agent does not have the authority to perform the act requested, whether or
16 not a certification, a translation, or an opinion of counsel under subsection
17 4019(d) of this title has been requested or provided; or

18 (6) the person makes, or has actual knowledge that another person has
19 made, a report to the Adult Protective Services program or other appropriate
20 entity within the Department of Disabilities, Aging, and Independent Living or
21 to a law enforcement agency stating a good faith belief that the principal may

1 be subject to physical or financial abuse, neglect, exploitation, or abandonment
2 by the agent or a person acting for or with the agent.

3 (d) A person who refuses in violation of this section to accept an
4 acknowledged ~~statutory form~~ power of attorney is subject to:

5 (1) a court order mandating acceptance of the power of attorney; and

6 (2) liability for reasonable attorney’s fees and costs incurred in any
7 action or proceeding that confirms the validity of the power of attorney or
8 mandates acceptance of the power of attorney.

9 Sec. 15. 14 V.S.A. § 4047 is amended to read:

10 § 4047. GIFTS

11 * * *

12 (b) An agent may make a gift of the principal’s property only as the agent
13 determines is consistent with the principal’s objectives if actually known by
14 the agent or, if unknown, as the agent determines is consistent with the
15 principal’s best interests based on all relevant factors, including:

16 (1) evidence of the principal’s intent;

17 (2) the principal’s personal history of making or joining in the making
18 of lifetime gifts;

19 (3) the principal’s estate plan;

1 (4) the principal’s foreseeable obligations and maintenance needs and
2 the impact of the proposed gift on the principal’s housing options, access to
3 care and services, and general welfare;

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

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

9 ~~(c) An agent may make a gift of the principal’s property only as the agent
10 determines is consistent with the principal’s objectives if actually known by
11 the agent and, if unknown, as the agent determines is consistent with the
12 principal’s best interests based on all relevant factors, including:~~

13 ~~(1) the value and nature of the principal’s property;~~

14 ~~(2) the principal’s foreseeable obligations and need for maintenance;~~

15 ~~(3) minimization of taxes, including income, estate, inheritance,
16 generation skipping transfer, and gift taxes;~~

17 ~~(4) eligibility for a benefit, a program, or assistance under a statute or
18 regulation; and~~

19 ~~(5) the principal’s personal history of making or joining in making gifts.~~

20 [Repealed.]

1 **Sec. 16.** 14 V.S.A. § 4051 is amended to read:

2 § 4051. STATUTORY FORM POWER OF ATTORNEY

3 A document substantially in the following form may be used to create a
4 statutory form power of attorney that has the meaning and effect prescribed by
5 this chapter.

6 VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT
7 INFORMATION

8 This power of attorney authorizes another person (your agent) to make
9 decisions concerning your property for you (the principal). Your agent will be
10 able to make decisions and act with respect to your property (including your
11 money) whether or not you are able to act for yourself. The meaning of
12 authority over subjects listed on this form is explained in the Vermont Uniform
13 Power of Attorney Act, 14 V.S.A. chapter 127.

14 This power of attorney does not authorize the agent to make health-care
15 decisions for you.

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

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

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

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

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

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

15 DESIGNATION OF AGENT

16 I _____ (Name of Principal) () revoke all previous powers of
17 attorney and name the following person as my agent:

18 Name of Agent: _____

19 Agent’s Address: _____

20 Agent’s Telephone Number: _____

1 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

2 If my agent is unable or unwilling to act for me, I name as my successor
3 agent:

4 Name of Successor Agent: _____

5 Successor Agent’s Address: _____

6 Successor Agent’s Telephone Number: _____

7 If my agent is unable or unwilling to act for me, I name as my second
8 successor agent:

9 Name of Second Successor Agent: _____

10 Second Successor Agent’s Address: _____

11 Second Successor Agent’s Telephone Number: _____

12 GRANT OF GENERAL AUTHORITY

13 I grant my agent and any successor agent general authority to act for me
14 with respect to the following subjects as defined in the Vermont Uniform
15 Power of Attorney Act, 14 V.S.A. chapter 127, together with the incidental
16 powers enumerated in section 4033 of that chapter.

17 (~~INITIAL STRIKE THROUGH~~ each subject you **DO NOT** want to include in
18 the agent’s general authority. ~~If you wish to grant general authority over all of~~
19 ~~the subjects, you may initial “All Preceding Subjects” instead of initialing each~~
20 ~~subject.)~~

21 (→ Real Property

- 1 ↔ Tangible Personal Property
- 2 ↔ Stocks and Bonds
- 3 ↔ Commodities and Options
- 4 ↔ Banks and Other Financial Institutions
- 5 ↔ Operation of Entity or Business
- 6 ↔ Insurance and Annuities
- 7 ↔ Estates, Trusts, and Other Beneficial Interests
- 8 ↔ Claims and Litigation
- 9 ↔ Personal and Family Maintenance
- 10 ↔ Benefits from Governmental Programs or Civil or Military Service
- 11 ↔ Retirement Plans
- 12 ↔ Taxes
- 13 ↔ ~~All Preceding Subjects~~

14 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

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

16 I have INITIALED the specific authority listed below:

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

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

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

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

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

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

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

15 () Waive the principal's right to be a beneficiary of a joint and survivor
16 annuity, including a survivor benefit under a retirement plan

17 () Exercise fiduciary powers that the principal has authority to delegate

18 () Authorize another person to exercise the authority granted under this
19 power of attorney

20 () Disclaim or refuse an interest in property, including a power of
21 appointment

1 () Exercise authority with respect to elective share under 14 V.S.A. § 319

2 () Exercise waiver rights under 14 V.S.A. § 323

3 () Exercise authority over the content and catalogue of electronic
4 communications and digital assets under 14 V.S.A. chapter 125 (Vermont
5 Revised Uniform Fiduciary Access to Digital Assets Act)

6 () Exercise authority with respect to intellectual property, including,
7 without limitation, copyrights, contracts for payment of royalties, and
8 trademarks

9 () Convey, or revoke or revise a grantee designation, by enhanced life
10 estate deed pursuant to 27 V.S.A. chapter 6 ~~of Title 27~~ or under common law.

11 LIMITATION ON AGENT'S AUTHORITY

12 An agent who is not my ancestor, spouse, or descendant MAY NOT use my
13 property to benefit the agent or a person to whom the agent owes an obligation
14 of support unless I have included that authority in the Special Instructions.

15 WHEN POWER OF ATTORNEY EFFECTIVE

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

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

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

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

3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____

10 EFFECTIVE DATE

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

14 SPECIAL INSTRUCTIONS (OPTIONAL)

15 You may give special instructions on the following lines:
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

~~EFFECTIVE DATE~~

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

NOMINATION OF GUARDIAN (OPTIONAL)

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

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

Nominee’s Address: _____

Nominee’s Telephone Number: _____

Name of Nominee for guardian of my person: _____

Nominee’s Address: _____

Nominee’s Telephone Number: _____

RELIANCE ON THIS POWER OF ATTORNEY

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

SIGNATURE AND ACKNOWLEDGMENT

Your Name Printed:

1 Your Address: _____

2 Your Telephone Number: _____

3 State of: _____

4 County of: _____

5 This document was acknowledged before me on: (Date)

6 _____

7 by _____ (Name of Principal)

8 (Seal, if any): _____

9 Signature of Notary: _____

10 My commission expires: _____

11 **IMPORTANT INFORMATION FOR AGENT**

12 **Agent’s Duties**

13 When you accept the authority granted under this power of attorney, a
14 special legal relationship is created between you and the principal. This
15 relationship imposes upon you legal duties that continue until you resign or the
16 power of attorney is terminated or revoked. You must:

17 (1) do what you know the principal reasonably expects you to do with
18 the principal’s property or, if you do not know the principal’s expectations, act
19 in the principal’s best interests;

20 (2) act in good faith;

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

2 and

3 (4) disclose your identity as an agent whenever you act for the principal
4 by writing or printing the name of the principal and signing your own name as
5 “agent” in the following manner: (Principal’s Name) by (Your Signature) as
6 Agent.

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

9 (1) act loyally for the principal’s benefit;

10 (2) avoid conflicts that would impair your ability to act in the
11 principal’s best interest;

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

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

15 (5) cooperate with any person that has authority to make health-care
16 decisions for the principal to do what you know the principal reasonably
17 expects or, if you do not know the principal’s expectations, to act in the
18 principal’s best interests; and

19 (6) attempt to preserve the principal’s estate plan if you know the plan
20 and preserving the plan is consistent with the principal’s best interests.

21 Termination of Agent’s Authority

1 You must stop acting on behalf of the principal if you learn of any
2 event that terminates this power of attorney or your authority under this power
3 of attorney. Events that terminate a power of attorney or your authority to act
4 under a power of attorney include:

- 5 (1) death of the principal;
- 6 (2) the principal’s revocation of the power of attorney or your
7 authority;
- 8 (3) the occurrence of a termination event stated in the power of
9 attorney;
- 10 (4) the purpose of the power of attorney is fully accomplished; or
- 11 (5) if you are married to the principal, a legal action is filed with a
12 court to end your marriage, or for your legal separation, unless the Special
13 Instructions in this power of attorney state that such an action will not
14 terminate your authority.

15 Liability of Agent

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

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

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

4 § 4052. STATUTORY SHORT FORM POWER OF ATTORNEY FOR REAL
5 ESTATE TRANSACTIONS

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

11 VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT
12 INFORMATION

13 This power of attorney authorizes another person (your agent) to take
14 actions for you (the principal) in connection with a real estate transaction (sale,
15 purchase, mortgage, or gift). Your agent will be able to make decisions and act
16 with respect to a specific parcel of land whether or not you are able to act for
17 yourself. The meaning of authority over subjects listed on this form is
18 explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter
19 127.

20 DESIGNATION OF AGENT

21 I/we and _____(Name(s) of Principal)

1 appoint the following person as my (our) agent:

2 Name of Agent: _____

3 Name of ~~Alternate~~ Successor Agent:

4 _____

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

6 (Street):, (Municipality)_____

7 _____

8 _____, Vermont.

9 ~~Transaction for which the power of attorney is given~~ STRIKE THROUGH

10 each type of transaction for which the power of attorney is not given:

11 Sale

12 Purchase or Acquisition

13 Mortgage

14 Finance and/or Mortgage

15 Gift

16 GRANT OF AUTHORITY

17 I/we grant my (our) agent and any alternate agent authority named in this

18 power of attorney to act for me/us with respect to a real estate transaction

19 involving the property with the address stated above, including, but not limited

20 to, the powers described in 14 V.S.A. § 4034(2), (3), and (4) as provided in the

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

3 POWER TO DELEGATE

4 [] If this box is checked, each agent appointed in this power of attorney may
5 delegate the authority to act to another person. Any delegation shall be in
6 writing and executed in the same manner as this power of attorney.

7 TERM

8 This power of attorney commences when fully executed and continues until
9 the real estate transaction for which it was given is complete.

10 SELF HEALING

11 [] If this box is checked, the agent named in this power of attorney may
12 convey the subject real estate with or without consideration to the agent,
13 individually, in trust, or to one or more persons with the agent.

14 CHOICE OF LAW

15 This power of attorney and the effect hereof shall be determined by the
16 application of Vermont law and the Vermont Uniform Power of Attorney Act.

17 SIGNATURE AND ACKNOWLEDGMENT

18 _____

19 Your Name Printed

20 _____

21 Your Address

1 _____

2 Your Telephone

3 Number_____

4 State of_____

5 County of_____

6 This document was acknowledged before me on

7 _____(Date)

8 by

9 _____

10 (Name of Principal)

11 _____(Seal, if any)

12 Signature of Notary_____

13 My Commission expires:_____

14 (b) A power of attorney in the form above confers on the agent the powers
15 provided in subdivisions 4034(2), (3), and (4) of this chapter.

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

17 § 305. CONVEYANCES EFFECTED THROUGH POWER OF ATTORNEY

18 (a) A deed or other conveyance of lands or of an estate or interest therein,
19 made by virtue of a power of attorney, shall not be of any effect or admissible
20 in evidence unless the power of attorney is signed, ~~witnessed by one or more~~

1 ~~witnesses~~, acknowledged, and recorded in the office where the deed is required
2 to be recorded.

3 * * *

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

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

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

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

11 (1) 14 V.S.A. chapter 123, if the ELE deed was executed before July 1,
12 2023; or

13 (2) 14 V.S.A. chapter 127, if the ELE deed was executed on or after July
14 1, 2023.

15 Sec. 20. 15 V.S.A. § 293 is amended to read:

16 § 293. WHEN PARENTS LIVE SEPARATELY

17 (a) When parents of minor children, or parents and stepparents of minor
18 children, whether said parents are married or unmarried, are living separately,
19 on the complaint of either parent or stepparent or, if it is a party in interest, the
20 Department for Children and Families, the Family Division of the Superior
21 Court may make such decree concerning parental rights and responsibilities

1 and parent-child contact (as defined in section 664 of this title), and the support
2 of the children, as in cases where either parent deserts or without just cause
3 fails to support the children. Thereafter on the motion of either of the parents,
4 the stepparent, or the Department for Children and Families, the court may
5 annul, vary, or modify the decrees.

6 (b) Any legal presumption of parentage as set forth in ~~section 308 of this~~
7 ~~title~~ 15C V.S.A. § 401 or an unrescinded acknowledgment of parentage signed
8 by the parties and executed in accordance with 15C V.S.A. § 301 shall be
9 sufficient basis for initiating a support action under this section without any
10 further proceedings to establish parentage. If a party raises an objection to the
11 presumption, the court may determine the issue of parentage as part of the
12 support action. If no written objection to the presumption is raised, an order
13 under this section shall constitute a judgment on the issue of parentage.

14 Sec. 21. REPEAL

15 15 V.S.A. § 294 (man in the house) is repealed.

16 Sec. 22. 15 V.S.A. § 295 is amended to read:

17 § 295. SUBSTITUTE HUSBAND AND FATHER SERVICE OF
18 COMPLAINT

19 When a complaint is made under section ~~292, 293 or 294~~ of this title, a
20 summons shall be issued to the other party directing ~~him to cause his~~
21 ~~appearance therein to be entered~~ such person to appear not later than 21 days

1 after the date of the service thereof and show cause why the prayer of the
2 complaint should not be granted, ~~which~~ The summons and ~~the~~ complaint shall
3 be served on ~~such~~ the party as provided by ~~section 596 or by section 597 of~~
4 ~~this title~~ Rule 4.0 of the Vermont Rules for Family Proceedings. After the
5 filing of ~~such~~ the complaint, the Superior Court in which the cause is pending,
6 or any Superior judge, may, on application of either party make such order
7 concerning the care and custody of the minor children during the pendency of
8 the complaint, as is deemed expedient and for the benefit of such children.

9 Sec. 23. 15 V.S.A. § 780(7) is amended to read:

10 (7) “Support order” means any judgment, order, or contract for support
11 enforceable in this state, including, ~~but not limited to,~~ orders issued pursuant
12 to:

13 (A) 15 V.S.A. ~~chapter~~ chapters 5 (relating to desertion and support
14 ~~and parentage), 7 (relating to URESA) or and~~ 11 (relating to annulment and
15 divorce);

16 (B) 15B V.S.A. chapters 1–19 (relating to Uniform Interstate Family
17 Support Act); and

18 (C) 15C V.S.A. chapter’s 1–8 (relating to parentage proceedings).

19 Sec. 24. 15 V.S.A. § 558 is amended to read:

20 § 558. ~~WOMAN~~ SPOUSE ALLOWED TO TAKE ~~MAIDEN~~ BIRTH NAME

1 Upon granting a divorce ~~to a woman~~, unless good cause is shown to the
2 contrary, the court may allow ~~her~~ a spouse to resume ~~her maiden~~ the spouse's
3 birth name or the name of a former ~~husband~~ spouse.

4 Sec. 25. 15 V.S.A. § 788 is amended to read:

5 § 788. PARENT'S RESPONSIBILITY

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

14 (b) When a wage withholding order is in effect, either parent shall notify in
15 writing the registry of the name and address of a new employer within seven
16 days of commencing new employment. If the Registry has received
17 information that a parent has changed employment, it shall notify the other
18 parent of the fact of the change but shall not disclose the identity or the
19 location of the employer. On request of a parent, the Registry shall provide
20 information on the other parent's wages.

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

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

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

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

12 Sec. 26. 23 V.S.A. § 203 is amended to read:

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

14 (a) A person shall not:

15 * * *

16 (2) display or cause or permit to be displayed, or have in his or her
17 possession, any fictitious or fraudulently altered operator’s license, learner’s
18 permit, nondriver identification card, inspection sticker, registration certificate,
19 or in-transit registration permit, or display for any fraudulent purpose an
20 expired or counterfeit insurance identification card or similar document;

21 * * *

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

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

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

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

15 § 349. CONVEYANCE TO GRANTOR AND OTHERS

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

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

19 ~~or~~

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

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

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

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

9 Sec. 28. 27 V.S.A. § 378 is amended to read:

10 § 378. EFFECT OF RECORDING UNACKNOWLEDGED DEED

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

20 Sec. 29. 27 V.S.A. § 1302 is amended to read:

21 § 1302. DEFINITIONS

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

2 * * *

3 (7) “Common expenses” include:

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

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

8 (C) expenses agreed upon as common expenses by the association of
9 owners; and

10 (D) expenses declared common expenses by this chapter, or by the
11 declaration or the bylaws.

12 Sec. 30. 27 V.S.A. § 1470(a) is amended to read:

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

17 Sec. 31. 27 V.S.A. § 1531(b) is amended to read:

18 (b) Before selling property under subsection (a) of this section, the
19 Administrator shall give notice to the public of:

20 (1) the date of the sale; and

21 (2) a reasonable description of the property.

1 Sec. 32. 27 V.S.A. § 1533(b) is amended to read:

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

5 Sec. 33. 27 V.S.A. § 1552(c) is amended to read:

6 (c) The Administrator shall decide a claim under this section not later than
7 90 days after it is presented. If the Administrator determines that the other state
8 is entitled under subsection (a) of this section to custody of the property, the
9 Administrator shall allow the claim and pay or deliver the property to the other
10 state.

11 Sec. 34. 27 V.S.A. § 1595(a) is amended to read:

12 (a) If a holder enters into a contract or other arrangement for the purpose of
13 evading an obligation under this chapter or otherwise willfully fails to perform
14 a duty imposed on the holder under this chapter, the Administrator may require
15 the holder to pay the Administrator, in addition to interest as provided in
16 subsection 1594(a) of this section, a civil penalty of \$1,000.00 for each day the
17 obligation is evaded or the duty is not performed, up to a cumulative maximum
18 amount of \$25,000.00, plus 25 percent of the amount or value of property that
19 should have been but was not reported, paid, or delivered as a result of the
20 evasion or failure to perform.

21 Sec. 35. REPEAL

1 27 V.S.A. chapter 7, subchapter 4 (congregational churches) is repealed.

2 Sec. 36. CONSTRUCTION OF ACT; PROPERTY INTERESTS NOT

3 AFFECTED

4 Sec. 35 of this act repeals 27 V.S.A. chapter 7, subchapter 4 for the purpose
5 of removing the statutory duties and procedures governing the transfer of
6 property by congregational churches. This act shall not be construed to affect
7 a religious corporation's rights or property interest in congregational church
8 property. This act shall not supersede any act of the General Assembly that
9 vested specific rights or interests in, or established specific procedures for the
10 transfer of property by, a chartered religious corporation.

11 Sec. 37. 29 V.S.A. § 561 is added to read:

12 § 561. RELEASE OF OIL AND GAS LEASES

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

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

1 (c) A lessor’s request for release or discharge shall be in writing and
2 delivered to the lessee by personal service or registered mail at the lessee’s last
3 known address.

4 Sec. 38. 29 V.S.A. § 563 is added to read:

5 § 563. ABANDONMENT OF OIL AND GAS INTERESTS;

6 PRESERVATION

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

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

10 (1) it has been unused for a continuous period of 10 years after July 1,
11 1973; and

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

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

19 (d) This section applies to all interests in oil and gas. It also applies to
20 interests in other minerals if created inclusively in the same instrument that
21 expressly creates an oil and gas interest. It does not apply to mineral interests

1 that do not expressly include an oil and gas interest or were intended to be
2 separate from an oil and gas interest.

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

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

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

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

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

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

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

20 (g) The owner of the surface estate from which an oil and gas interest was
21 severed may give notice of abandonment under this subsection. Notice shall

1 contain the name of the record owner of the interest; a description of the land
2 and the nature of the interest; the book and page of filing of the interest, if it is
3 filed; the name and address of the person giving notice; and a statement that
4 the interest is presumed abandoned. The notice shall be published in a
5 newspaper of general circulation in the town or towns where the land affected
6 is located. If the address of the owner of the oil and gas interest is shown on
7 record, a copy of the notice shall be mailed to that address by certified or
8 registered mail within 10 days after the date of publication.

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

18 **Sec. 39. REPEAL OF SUNSET ON THE USE OF GUN SUPPRESSORS**

19 **WHILE HUNTING**

20 Secs. 8–10 of 2022 Acts and Resolves No. 165 (repealing the authorized
21 use of gun suppressors while hunting) are repealed.

1 Sec. 40. 2022 Acts and Resolves No. 165, Sec. 11 is amended to read:

2 Sec. 11. EFFECTIVE DATES

3 (a) This section and Sec. 3 (Fish and Wildlife Board rules) shall take effect
4 on passage.

5 (b) Secs. 2 (moratorium on hunting coyote with aid of dogs) and 4–7 (gun
6 suppressors) shall take effect on July 1, 2022.

7 (c) Sec. 1 (permit requirement and prohibition on pursuing coyote with aid
8 of dogs) shall take effect on the effective date of the Fish and Wildlife Board
9 rules required under Sec. 3 of this act.

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

12 Sec. 41. REPEAL OF DEPARTMENT OF CORRECTIONS PILOT
13 PROJECT

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

17 Sec. 42. EFFECTIVE DATE

18 This act shall take effect on passage.

19