

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 534
3 entitled “An act relating to retail theft” respectfully reports that it has
4 considered the same and recommends that the bill be amended by striking out
5 all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. 13 V.S.A. § 2575 is amended to read:

7 § 2575. OFFENSE OF RETAIL THEFT

8 A person commits the offense of retail theft when the person, with intent of
9 depriving a merchant wrongfully of the lawful possession of merchandise,
10 money, or credit:

11 (1) takes and carries away or causes to be taken and carried away or aids
12 and abets the carrying away of; any merchandise from a retail mercantile
13 establishment without paying the retail value of the merchandise; or

14 * * *

15 Sec. 2. 13 V.S.A. § 2577 is amended to read:

16 § 2577. PENALTY

17 (a) A person convicted of the offense of retail theft of merchandise having
18 a retail value not in excess of \$900.00 shall be punished by a fine of not more
19 than \$500.00 or imprisonment for not more than six months, or both.

1 (b) A person convicted of the offense of retail theft of merchandise having
2 a retail value in excess of \$900.00 shall be punished by a fine of not more than
3 \$1,000.00 or imprisonment for not more than ~~10~~ **five** years, or both.

4 * * *

5 ~~(d) A person who acts in concert with one or more persons to commit the~~
6 ~~offense of retail theft in violation of subdivision 2575(1) of this title shall be:~~

7 ~~(1) punished by a fine of not more than \$1,000.00 or imprisonment for~~
8 ~~not more than five years, or both, if the aggregate retail value of the~~
9 ~~merchandise taken away exceeds \$900.00 and is \$10,000.00 or less; or~~

10 ~~(2) punished by a fine of not more than \$1,000.00 or imprisonment for~~
11 ~~not more than 10 years, or both, if the aggregate retail value of the~~
12 ~~merchandise taken away exceeds \$10,000.00.~~

13 ~~(e)(1)~~ A person who commits more than one retail theft offense in violation
14 of subdivision 2575(1) of this title in ~~one or more~~ **than one** locations within a
15 14-day period ~~and within a single county~~ shall be punished by a fine of not
16 more than \$1,000.00 or imprisonment for not more than ~~three~~ **ten** years, or
17 both, if the aggregate retail value of the merchandise taken away exceeds
18 \$900.00.

19 ~~(2) This subsection shall be repealed on July 1, 2027.~~

20 **Sec. 3. Rule 3 of the Vermont Rules of Criminal Procedure is amended to**
21 **read:**

1 Rule 3. Arrest Without a Warrant; Citation to Appear

2 * * *

3 (c) Nonwitnessed Misdemeanor Offenses. If an officer has probable cause
4 to believe a person has committed or is committing a misdemeanor outside the
5 presence of the officer, the officer may issue a citation to appear before a
6 judicial officer in lieu of arrest. The officer may arrest the person without a
7 warrant if the officer has probable cause to believe:

8 * * *

9 (21) The person has committed a misdemeanor violation of 13 V.S.A. §
10 2575 (retail theft).

11 * * *

12 Sec. 4. FINDINGS

13 The General Assembly finds that:

14 (1) Previously, the Department of Corrections offered what was known
15 as the Community Restitution Program or “work crew” as an opportunity for
16 individuals to successfully make amends to the community through structure
17 work contracted with municipalities, State agencies, and local nonprofit
18 organizations.

19 (2) The Department of Corrections ended the Community Restitution
20 Program in 2023.

21 Sec. 5. INTENT

1 It is the intent of the General Assembly that the Department of Corrections
2 reinstitute the Community Restitution Program and ensure that it is
3 appropriately staffed and resourced so that it may be offered in all 14 counties
4 as a sentencing alternative.

5 Sec. 6. 13 V.S.A. § 7030 is amended to read:

6 § 7030. SENTENCING ALTERNATIVES

7 (a) In determining which of the following should be ordered, the court shall
8 consider the nature and circumstances of the crime; the history and character of
9 the defendant; the defendant’s family circumstances and relationships; the
10 impact of any sentence upon the defendant’s minor children; the need for
11 treatment; and the risk to self, others, and the community at large presented by
12 the defendant:

13 (1) A deferred sentence pursuant to section 7041 of this title.

14 (2) Referral to a community reparative board pursuant to 28 V.S.A.
15 chapter 12 in the case of an offender who has pled guilty to a nonviolent
16 felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the
17 subject areas prohibited for referral to a community justice center under
18 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this
19 subdivision does not require the court to place the offender on probation. The
20 offender shall return to court for further sentencing if the reparative board does
21 not accept the case or if the offender fails to complete the reparative board

1 program to the satisfaction of the board in a time deemed reasonable by the
2 board.

3 (3) Community restitution pursuant to rules a policy adopted by the
4 Commissioner of Corrections under 3 V.S.A. § Chapter 25.

5 (4) Probation pursuant to 28 V.S.A. § 205.

6 (4)(5) Supervised community sentence pursuant to 28 V.S.A. § 352.

7 (5)(6) Sentence of imprisonment.

8 (b) When ordering a sentence of probation, the court may require
9 participation in the Restorative Justice Program established by 28 V.S.A.
10 chapter 12 as a condition of the sentence.

11 Sec. 7. EFFECTIVE DATE

12 This act shall take effect on passage.

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16

17 (Committee vote: _____)

18 _____

19 Representative _____

20 FOR THE COMMITTEE