

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.

20 (b) A person convicted of the offense of retail theft of merchandise having
21 a retail value in excess of \$900.00 shall be punished by a fine of not more than

1 \$1,000.00 or imprisonment for not more than 10 years, or both.

2 * * *

3 (d)(1) A person who commits more than one retail theft offense in violation
4 of subdivision 2575(1) of this title in one or more locations within a 14-day
5 period and within a single county shall be punished by a fine of not more than
6 \$1,000.00 or imprisonment for not more than 10 years, or both, if the aggregate
7 retail value of the merchandise taken away exceeds \$900.00.

8 (2) This subsection shall be repealed on July 1, 2027.

9 Sec. 3. INTENT

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

14 Sec. 4. 13 V.S.A. § 7030 is amended to read:

15 § 7030. SENTENCING ALTERNATIVES

16 (a) In determining which of the following should be ordered, the court shall
17 consider the nature and circumstances of the crime; the history and character of
18 the defendant; the defendant's family circumstances and relationships; the
19 impact of any sentence upon the defendant's minor children; the need for
20 treatment; and the risk to self, others, and the community at large presented by
21 the defendant:

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

2 (2) Referral to a community reparative board pursuant to 28 V.S.A.
3 chapter 12 in the case of an offender who has pled guilty to a nonviolent
4 felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the
5 subject areas prohibited for referral to a community justice center under
6 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this
7 subdivision does not require the court to place the offender on probation. The
8 offender shall return to court for further sentencing if the reparative board does
9 not accept the case or if the offender fails to complete the reparative board
10 program to the satisfaction of the board in a time deemed reasonable by the
11 board.

12 (3) Community restitution pursuant to a policy adopted by the
13 Commissioner of Corrections.

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

15 ~~(4)~~(5) Supervised community sentence pursuant to 28 V.S.A. § 352.

16 ~~(5)~~(6) Sentence of imprisonment.

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

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on passage.

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4 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE