

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 614
3 entitled “An act relating to land improvement fraud and timber trespass”
4 respectfully reports that it has considered the same and recommends that the
5 report of the Committee on Agriculture, Food Resiliency, and Forestry be
6 amended as follows:

7 First: In Sec. 1, 13 V.S.A. § 2029, in subdivision (d)(1), after “the loss to a
8 single consumer is less than” and before the period, by striking out
9 “\$1,000.00” and inserting in lieu thereof “~~\$1,000.00~~ \$1,500.00”
10 and in subdivision (d)(3)(A), by striking out “\$1,000.00” where it appears and
11 inserting in lieu thereof “~~\$1,000.00~~ \$1,500.00”
12 and by striking out subsection (g) in its entirety and inserting in lieu thereof the
13 following:

14 (g) The Attorney General, a State’s Attorney, or a law enforcement officer
15 may, according to the requirements of 18 V.S.A. chapter 84, subchapter 2,
16 seize from a person convicted of the offense of land improvement fraud under
17 this section property that was used in the commission of the fraud.

18 Second: In Sec. 2, 13 V.S.A. §§ 3605 and 3605a, in section 3605a, by
19 striking out subsection (a) in its entirety and inserting in lieu thereof the
20 following:

1 (a) The Attorney General, a State’s Attorney, or a law enforcement officer
2 may, according to the requirements of 18 V.S.A. chapter 84, subchapter 2,
3 seize from a person convicted of the offense of timber trespass under this
4 chapter property that was used in the commission of the trespass.

5 Third: In Sec. 3, 18 V.S.A. § 4241, by striking out subdivision (a)(1)(8) in
6 its entirety and inserting in lieu thereof the following:

7 (8) Any property seized pursuant to 13 V.S.A. § 2029 for the offense of
8 land improvement fraud only.

9 and by striking out subdivision (b)(3) in its entirety and inserting in lieu
10 thereof the following:

11 (3) a violation of 13 V.S.A. § 2029 for the offense of land improvement
12 fraud only; or

13 Fourth: By striking out Sec. 5, 18 V.S.A. § 4247, in its entirety and
14 inserting in lieu thereof the following:

15 Sec. 5. 18 V.S.A. § 4247 is amended to read:

16 § 4247. DISPOSITION OF PROPERTY

17 (a) Whenever property is forfeited and delivered to the State Treasurer
18 under this subchapter, the State Treasurer shall, not sooner than 90 days after
19 the date the property is delivered, sell the property at a public sale held under
20 27 V.S.A. chapter 18, subchapter 7.

1 (b) The proceeds from the sale of forfeited property shall be used first to
2 offset any costs of selling the property and then, after any liens on the property
3 have been paid in full, applied to payment of seizure, storage, and forfeiture
4 expenses, including animal care expenses related to the underlying violation.

5 Remaining proceeds shall be distributed as follows:

6 (1)(A) ~~45~~ 60 percent shall be distributed among the following for the
7 purposes of providing training on enforcement:

8 (i) the Office of the Attorney General;

9 (ii) the Department of State's Attorneys and Sheriffs; and

10 (iii) State and local law enforcement agencies.

11 (B) [Repealed.]

12 (2) The remaining ~~55~~ 40 percent shall be deposited in the General Fund.

13 (c)(1) Notwithstanding subsections (a) and (b) of this section, whenever
14 property is forfeited and delivered to the State Treasurer under this subchapter
15 for any property seized pursuant to 13 V.S.A. § 2029 or 13 V.S.A. § 3606a or a
16 civil timber trespass action under 13 V.S.A. § 3606, the State Treasurer shall,
17 not sooner than 90 days after the date the property is delivered, sell the
18 property at a public sale held under 27 V.S.A. chapter 18, subchapter 7.

19 (2) The proceeds from the sale of forfeited property shall be used first to
20 offset any costs of selling the property and then, after any liens on the property

1 have been paid in full, applied to payment of seizure, storage, and forfeiture
2 expenses. The remaining proceeds shall be distributed as follows:

3 (A) 100 percent shall be distributed to the victim until the victim has
4 received full restitution for the victim’s losses; and

5 (B) once the victim has received full restitution for the victim’s
6 losses, 100 percent shall be distributed to a fund established by the Office of
7 the Attorney General to provide restitution to the victims of the crimes of land
8 improvement fraud, timber trespass, and civil timber trespass.

9 Fifth: By striking out Sec. 6, repeal of sunset; allocations of forfeited
10 proceeds, in its entirety and inserting in lieu thereof the following:

11 Sec. 6. [Deleted.]

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14 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE