

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 percent shall be distributed among the following for the  
7 purposes of providing training on enforcement up to a maximum of  
8 \$500,000.00 annually from all sales of forfeited property:

9 (i) the Office of the Attorney General;

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

11 (iii) State and local law enforcement agencies.

12 (B) 55 percent shall be deposited into the Victims Compensation  
13 Fund up to a maximum of \$500,000.00 annually from all sales of forfeited  
14 property.

15 (2) The remaining 55 percent Any proceeds in excess of \$1,000,000.00  
16 annually shall be deposited in the General Fund.

17 (c)(1) Notwithstanding subsections (a) and (b) of this section, whenever  
18 property is forfeited and delivered to the State Treasurer under this subchapter  
19 for any property seized pursuant to 13 V.S.A. § 2029 or 13 V.S.A. § 3606a or a  
20 civil timber trespass action under 13 V.S.A. § 3606, the State Treasurer shall,

1 not sooner than 90 days after the date the property is delivered, sell the  
2 property at a public sale held under 27 V.S.A. chapter 18, subchapter 7.

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

7 (3) The remaining proceeds shall be deposited into the Crime Victims'  
8 Restitution Special Fund for restitution to the victim until the victim has  
9 received full restitution for all losses, provided that:

10 (A) if the remaining proceeds are not sufficient to provide full  
11 restitution to the victim, the victim shall remain eligible for services from the  
12 Restitution Unit of the Center for Crime Victim Services; and

13 (B) any remaining proceeds in excess of full restitution to the victim  
14 shall be used by the Victims Compensation Board for any authorized use of the  
15 Victim's Compensation Special Fund.

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

18 Sec. 6. [Deleted.]  
19  
20

1 (Committee vote: \_\_\_\_\_)

2

\_\_\_\_\_

3

Representative \_\_\_\_\_

4

FOR THE COMMITTEE