



STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

To: Rep. Martin Lalonde, Chair
House Committee on Judiciary

From: Erin Jacobsen
Assistant Attorney General
Director, Community Justice Unit

Date: April 27, 2023

Re: S.4, An act relating to reducing crimes of violence associated with juveniles and dangerous weapons, 2023 legislative session

This memo pertains primarily to section 1 of S.4 and concerns that were identified at a recent meeting of the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel (RDAP).

The RDAP was established by the Legislature in 2017 to review and provide recommendations to address systemic racial disparities in statewide systems of criminal and juvenile justice. *See* [3 V.S.A. § 168](#). The RDAP is organized within the Attorney General's Office, and the Attorney General supports and deeply appreciates the work of the RDAP, which is comprised of a diverse group of government representatives and community stakeholders. Part of the RDAP's charge is to provide recommendations to address racial disparities in the juvenile justice system, and the Attorney General's Office appreciates this committee providing the RDAP the opportunity to be heard on S.4.

It came to the RDAP's attention at a meeting held earlier this month that S.4 could have a disparate impact on youth of color—namely, section 1, which would add several crimes to the list of the “Big 12.” The Big 12 are those crimes that would allow youth as young as 14 to be adjudicated as adults in criminal court. When youth are adjudicated as adults, they do not have the same access to supports and interventions that are targeted to their age group and which are designed to help youth desist from criminal activity and take accountability for harm they may have caused.

The Attorney General's Office believes there are three crimes in particular that S.4 proposes adding to the Big 12 at Sec 1, page 2 in subsections (a)(13), (14), and (15) that deserve further consideration: carrying a firearm while committing a felony in violation of 13 V.S.A. § 4005; trafficking a regulated drug in violation of 18 V.S.A. chapter 84, subchapter 1; and human trafficking or aggravated human trafficking in violation of 17 13 V.S.A. § 2652 or 2653.

Considering that section 14 (page 16) directs the Sentencing Commission to study whether the Big 12 should be expanded even further beyond the list at section 1, the Attorney General's Office proposes removing from section 1 the three offenses just discussed—carrying a firearm while committing a felony; drug trafficking; and human trafficking—and adding those to section 14's list of offenses the Sentencing Commission is tasked with studying this summer. This would allow stakeholders the time and opportunity to more carefully consider disparate impacts, how to mitigate such impacts, and how to best achieve the goals of this bill, as reflected in part by its establishment of the Community Violence Prevention Program (Section 9, page 13). That Program aims to encourage innovative, evidence-informed approaches to reducing violence and associated community harm—goals the Attorney General's Office certainly shares in our collective efforts to improve public safety.

Thank you for your time on this bill, and for inviting additional input from stakeholders like the RDAP whose statutory charge is to advise policy makers about systemic disparities and advancing equity in our laws. As always, we would be happy to respond to any questions you may have.