

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 878
3 entitled “An act relating to miscellaneous judiciary procedures” respectfully
4 reports that it has considered the same and recommends that the Senate
5 propose to the House that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 4 V.S.A. § 41 is added to read:

8 § 41. COURT SECURITY OFFICERS

9 (a) Authorization. The Court Administrator shall define the scope of duties
10 for Judiciary-employed Court Security Officers. The Court Administrator
11 shall have direct authority over Judiciary-employed Court Security Officers
12 and may authorize them to perform judicial security officer functions
13 necessary for the performance of their duties.

14 (b) Training. The Court Administrator shall develop a training program
15 pursuant to appropriate training standards to perform judicial security officer
16 functions. The Court Administrator shall establish a use of force policy based
17 on State standards.

18 (c) Training; equipment. At the direction of the Court Administrator and
19 with the approval of the Court Security and Safety Program Manager,
20 Judiciary-employed Court Security Officers shall be provided with training and

1 equipment necessary for the performance of their duties. Equipment provided
2 pursuant to this subsection shall remain the property of the Judiciary.

3 (d) Coordination of Judiciary security. Judiciary-employed Court Security
4 Officers shall provide security at court properties and at other court-related
5 functions for the Vermont Judiciary at the direction of the Court Administrator.

6 (e) Construction. This section shall not be construed to limit the Court
7 Administrator’s authority to hire additional court security personnel, including
8 private security guards and County Sheriffs.

9 Sec. 2. 4 V.S.A. § 355 is amended to read:

10 § 355. DISQUALIFICATION OR DISABILITY OF JUDGE

11 When a Probate judge is incapacitated for the duties of office by absence,
12 removal from the district, resignation, sickness, death, or otherwise or if the
13 judge or the judge’s spouse or child is heir or legatee under a will filed in the
14 judge’s district, or if the judge is executor or administrator of the estate of a
15 deceased person in ~~his or her~~ the judge’s district, or is interested as a creditor
16 or otherwise in a question to be decided by the court, ~~he or she~~ the judge shall
17 not act as judge. ~~The judge’s duties shall be performed by a Superior judge~~
18 ~~assigned by the presiding judge of the unit.~~

19 Sec. 3. 4 V.S.A. § 1102 is amended to read:

20 § 1102. JUDICIAL BUREAU; JURISDICTION

21 * * *

1 (b) The Judicial Bureau shall have jurisdiction of the following matters:

2 * * *

3 (4) Violations of 7 V.S.A. § ~~1005(a)~~ 1005, relating to possession of
4 tobacco products by a person under 21 years of age.

5 * * *

6 Sec. 4. 12 V.S.A. § 1913(b) is amended to read:

7 (b) ~~Authentication, admissibility, and presumptions.~~

8 (1) A digital record electronically registered in a blockchain shall be
9 self-authenticating pursuant to Vermont Rule of Evidence 902, if it is
10 accompanied by a written declaration of a qualified person, made under oath,
11 stating the qualification of the person to make the certification and:

12 (A) the date and time the record entered the blockchain;

13 (B) the date and time the record was received from the blockchain;

14 (C) that the record was maintained in the blockchain as a regular
15 conducted activity; and

16 (D) that the record was made by the regularly conducted activity as a
17 regular practice.

18 * * *

1 Sec. 5. 12 V.S.A. § 3087 is amended to read:

2 § 3087. ~~RECOGNIZANCE FOR TRUSTEE'S COSTS~~

3 ~~The plaintiff in a trustee process shall give security for costs to the trustee~~
4 ~~by way of recognizance by some person other than the plaintiff. The security~~
5 ~~shall be in the sum of \$50.00 for a summons returnable to a Superior Court. If~~
6 ~~trustee process issues without a minute of the recognizance, with the name of~~
7 ~~the surety and the sum in which he or she is bound, signed by the clerk~~
8 ~~thereon, the trustee shall be discharged. [Repealed.]~~

9 Sec. 6. 13 V.S.A. § 3281 is amended to read:

10 § 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

11 (a) Short title. This section may be cited as the “Bill of Rights for Sexual
12 Assault Survivors.”

13 (b) Definition. As used in this section, “sexual assault survivor” means a
14 person who is a victim of an alleged sexual offense.

15 (c) Survivors' rights. When a sexual assault survivor makes a verbal or
16 written report to a law enforcement officer, emergency department, sexual
17 assault nurse examiner, or victim's advocate of an alleged sexual offense, the
18 recipient of the report shall provide written notification to the survivor that ~~he~~
19 ~~or she~~ the survivor has the following rights:

20 (1) The right to receive a medical forensic examination and any related
21 toxicology testing at no cost to the survivor in accordance with 32 V.S.A.

1 § 1407, irrespective of whether the survivor reports to or cooperates with law
2 enforcement. If the survivor opts to have a medical forensic examination, ~~he~~
3 ~~or she~~ the survivor shall have the following additional rights:

4 (A) the right to have the medical forensic examination kit or its
5 probative contents delivered to a forensics laboratory within 72 hours of
6 collection;

7 (B) the right to have the sexual assault evidence collection kit or its
8 probative contents preserved without charge for the duration of the maximum
9 applicable statute of limitations;

10 (C) the right to be informed in writing of all policies governing the
11 collection, storage, preservation, and disposal of a sexual assault evidence
12 collection kit;

13 (D) the right to be informed of a DNA profile match on a kit reported
14 to law enforcement or on a confidential kit, on a toxicology report, or on a
15 medical record documenting a medical forensic examination, if the disclosure
16 would not impede or compromise an ongoing investigation; ~~and~~

17 (E) the right to be informed of the status and location of the sexual
18 assault evidence collection kit; and

19 (F) upon written request from the survivor, the right to:

1 (i) receive written notification from the appropriate official with
2 custody not later than 60 days before the date of the kit’s intended destruction
3 or disposal; and

4 (ii) be granted further preservation of the kit or its probative
5 contents.

6 (2) The right to consult with a sexual assault advocate.

7 (3) The right to information concerning the availability of protective
8 orders and policies related to the enforcement of protective orders.

9 (4) The right to information about the availability of, and eligibility for,
10 victim compensation and restitution.

11 (5) The right to information about confidentiality.

12 (d) Notification protocols. The Vermont Network Against Domestic and
13 Sexual Violence and the Sexual Assault Nurse Examiner Program, in
14 consultation with other parties referred to in this section, shall develop
15 protocols and written materials to assist all responsible entities in providing
16 notification to victims.

17 Sec. 7. 13 V.S.A. § 3401 is amended to read:

18 § 3401. DEFINITION AND PUNISHMENT OF TREASON

19 A person owing allegiance to this State, who levies war or conspires to levy
20 war against the same, or adheres to the enemies thereof, giving them aid and
21 comfort, within the State or elsewhere, shall be guilty of treason against this

1 State and shall ~~suffer the punishment of death~~ be imprisoned for not less than
2 25 years with a maximum term of life and, in addition, may be fined not more
3 than \$50,000.00.

4 Sec. 8. REPEALS

5 The following sections are repealed: 13 V.S.A. § 7101 (sentence and
6 warrant); 13 V.S.A. § 7102 (pardon); 13 V.S.A. § 7103 (place of execution);
7 13 V.S.A. § 7104 (manner of confinement); 13 V.S.A. § 7105 (persons present
8 at execution); 13 V.S.A. § 7106 (manner of execution); and 13 V.S.A. § 7107
9 (returns of Commissioner).

10 Sec. 9. 13 V.S.A. § 4056 is amended to read:

11 § 4056. SERVICE

12 (a) A petition, ex parte temporary order, or final order issued under this
13 subchapter shall be served in accordance with the Vermont Rules of Civil
14 Procedure and may be served by any law enforcement officer. A court that
15 issues an order under this chapter during court hours shall promptly transmit
16 the order electronically or by other means to a law enforcement agency for
17 service, and shall deliver a copy to the holding station.

18 (b) A respondent who attends a hearing held under section 4053, 4054, or
19 4055 of this title at which a temporary or final order under this subchapter is
20 issued and who receives notice from the court on the record that the order has
21 been issued shall be deemed to have been served. A respondent notified by the

1 court on the record shall be required to adhere immediately to the provisions of
2 the order. ~~However, even when the court has previously notified the~~
3 ~~respondent of the order, the court shall transmit the order for additional service~~
4 ~~by a law enforcement agency.~~ The clerk shall mail a copy of the order to the
5 respondent at the respondent's last known address.

6 * * *

7 Sec. 10. 13 V.S.A. § 4814 is amended to read:

8 § 4814. ORDER FOR EXAMINATION OF COMPETENCY

9 * * *

10 (d) Notwithstanding any other provision of law, an examination ordered
11 pursuant to subsection (a) of this section may be conducted by a doctoral-level
12 psychologist trained in forensic psychology and licensed under 26 V.S.A.
13 chapter 55. ~~This subsection shall be repealed on July 1, 2024.~~

14 * * *

15 Sec. 11. 13 V.S.A. § 4816 is amended to read:

16 § 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

17 * * *

18 (e) The relevant portion of a psychiatrist's report or of a report conducted
19 pursuant to subsection 4814(d) of this title by a doctoral-level psychologist
20 trained in forensic psychology shall be admitted into evidence as an exhibit on
21 the issue of the person's mental competency to stand trial and the opinion shall

1 be conclusive on the issue if agreed to by the parties and if found by the court
2 to be relevant and probative on the issue.

3 (f) Introduction of a report under subsection ~~(d)~~(e) of this section shall not
4 preclude either party or the court from calling the psychiatrist or psychologist
5 who wrote the report as a witness or from calling witnesses or introducing
6 other relevant evidence. Any witness called by either party on the issue of the
7 defendant's competency shall be at the State's expense, or, if called by the
8 court, at the court's expense.

9 Sec. 12. 13 V.S.A. § 7282 is amended to read:

10 § 7282. SURCHARGE

11 (a) In addition to any penalty or fine imposed by the court for a criminal
12 offense or any civil penalty imposed by the Judicial Bureau for a traffic
13 violation, including any violation of a fish and wildlife statute or regulation,
14 violation of a motor vehicle statute, or violation of any local ordinance relating
15 to the operation of a motor vehicle, except violations relating to seat belts and
16 child restraints and ordinances relating to parking violations, the clerk of the
17 court or Judicial Bureau shall levy an additional surcharge of:

18 * * *

19 (8)(A) For any offense or violation committed after June 30, 2006, but
20 before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the Victims
21 Compensation Special Fund.

1 (B) For any offense or violation committed after June 30, 2008, but
2 before July 1, 2009, \$36.00, of which \$28.75 shall be deposited in the ~~Victims'~~
3 Victims Compensation Special Fund.

4 (C) For any offense or violation committed after June 30, 2009, but
5 before July 1, 2013, \$41.00, of which ~~\$27.50~~ \$23.75 shall be deposited in the
6 Victims Compensation Special Fund created by section 5359 of this title, and
7 of which ~~\$13.50~~ \$10.00 shall be deposited in the Domestic and Sexual
8 Violence Special Fund created by section 5360 of this title.

9 (D) For any offense or violation committed after June 30, 2013, but
10 before July 1, 2023, \$47.00, of which ~~\$33.50~~ \$29.75 shall be deposited in the
11 Victims Compensation Special Fund created by section 5359 of this title, and
12 of which ~~\$13.50~~ \$10.00 shall be deposited in the Domestic and Sexual
13 Violence Special Fund created by section 5360 of this title.

14 (E) For any offense or violation committed after June 30, 2023,
15 \$47.00, of which \$33.50 shall be deposited in the Victims Compensation
16 Special Fund created by section 5359 of this title, and of which \$13.50 shall be
17 deposited in the Domestic and Sexual Violence Special Fund created by
18 section 5360 of this title.

19 * * *

20 (c) SIU surcharge. In addition to any penalty or fine imposed by the court
21 ~~or Judicial Bureau~~ for a criminal offense committed after July 1, 2009, the

1 clerk of the court ~~or Judicial Bureau~~ shall levy an additional surcharge of
2 \$100.00 to be deposited in the General Fund, in support of the Specialized
3 Investigative Unit Grants Board created in 24 V.S.A. § 1940(c), and used to
4 pay for the costs of Specialized Investigative Units.

5 Sec. 13. 13 V.S.A. § 7554c(e)(3) is amended to read:

6 (3) All records of information obtained during risk assessment or needs
7 screening shall be stored in a manner making them accessible only to the
8 Director of Pretrial Services and pretrial service coordinators for a period of
9 three years, after which the records shall be maintained as required by ~~sections~~
10 ~~117 and 218 of this title~~ 3 V.S.A. §§ 117 and 218 and any other State law. The
11 Director of Pretrial Services shall be responsible for the destruction of records
12 when ordered by the court.

13 Sec. 14. 14 V.S.A. § 4020 is amended to read:

14 § 4020. LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED
15 ~~STATUTORY FORM~~ POWER OF ATTORNEY

16 (a) ~~As used in this section, “statutory form power of attorney” means a~~
17 ~~power of attorney substantially in the form provided in section 4051 or 4052 of~~
18 ~~this title or that meets the requirements for a military power of attorney~~
19 ~~pursuant to 10 U.S.C. § 1044b, as amended.~~

20 (b) Except as otherwise provided in subsection ~~(e)~~(b) of this section:

1 (1) a person shall either accept an acknowledged ~~statutory form~~ power
2 of attorney or request a certification, a translation, or an opinion of counsel
3 under subsection 4019(d) of this title not later than seven business days after
4 presentation of the power of attorney for acceptance;

5 (2) if a person requests a certification, a translation, or an opinion of
6 counsel under subsection 4019(d) of this title, the person shall accept the
7 ~~statutory form~~ power of attorney not later than five business days after receipt
8 of the certification, translation, or opinion of counsel; and

9 (3) a person may not require an additional or different form of power of
10 attorney for authority granted in the ~~statutory form~~ power of attorney
11 presented.

12 ~~(e)~~(b) A person is not required to accept an acknowledged ~~statutory form~~
13 power of attorney if:

14 (1) the person is not otherwise required to engage in a transaction with
15 the principal in the same circumstances;

16 (2) engaging in a transaction with the agent or the principal in the same
17 circumstances would be inconsistent with federal or state law;

18 (3) the person has actual knowledge of the termination of the agent's
19 authority or of the power of attorney before exercise of the power;

20 (4) a request for a certification, a translation, or an opinion of counsel
21 under subsection 4019(d) of this title is refused;

1 the agent or, if unknown, as the agent determines is consistent with the
2 principal's best interests based on all relevant factors, including:

3 (1) evidence of the principal's intent;

4 (2) the principal's personal history of making or joining in the making
5 of lifetime gifts;

6 (3) the principal's estate plan;

7 (4) the principal's foreseeable obligations and maintenance needs and
8 the impact of the proposed gift on the principal's housing options, access to
9 care and services, and general welfare;

10 (5) the income, gift, estate, or inheritance tax consequences of the
11 transaction; and

12 (6) whether the proposed gift creates a foreseeable risk that the principal
13 will be deprived of sufficient assets to cover the principal's needs during any
14 period of Medicaid ineligibility that would result from the proposed gift.

15 ~~(c) An agent may make a gift of the principal's property only as the agent
16 determines is consistent with the principal's objectives if actually known by
17 the agent and, if unknown, as the agent determines is consistent with the
18 principal's best interests based on all relevant factors, including:~~

19 ~~(1) the value and nature of the principal's property;~~

20 ~~(2) the principal's foreseeable obligations and need for maintenance;~~

1 I _____ (Name of Principal) () revoke all previous powers of
2 attorney and name the following person as my agent:

3 Name of Agent: _____

4 Agent's Address: _____

5 Agent's Telephone Number: _____

6 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

7 If my agent is unable or unwilling to act for me, I name as my successor
8 agent:

9 Name of Successor Agent: _____

10 Successor Agent's Address: _____

11 Successor Agent's Telephone Number: _____

12 If my agent is unable or unwilling to act for me, I name as my second
13 successor agent:

14 Name of Second Successor Agent: _____

15 Second Successor Agent's Address: _____

16 Second Successor Agent's Telephone Number: _____

17 GRANT OF GENERAL AUTHORITY

18 I grant my agent and any successor agent general authority to act for me
19 with respect to the following subjects as defined in the Vermont Uniform
20 Power of Attorney Act, 14 V.S.A. chapter 127, together with the incidental
21 powers enumerated in section 4033 of that chapter.

1 (~~INITIAL~~ STRIKE THROUGH each subject you DO NOT want to include
2 in the agent’s general authority. ~~If you wish to grant general authority over all~~
3 ~~of the subjects, you may initial “All Preceding Subjects” instead of initialing~~
4 ~~each subject.~~)

5 Real Property

6 Tangible Personal Property

7 Stocks and Bonds

8 Commodities and Options

9 Banks and Other Financial Institutions

10 Operation of Entity or Business

11 Insurance and Annuities

12 Estates, Trusts, and Other Beneficial Interests

13 Claims and Litigation

14 Personal and Family Maintenance

15 Benefits from Governmental Programs or Civil or Military Service

16 Retirement Plans

17 Taxes

18 ~~All Preceding Subjects~~

19 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

20 My agent MAY NOT do any of the following specific acts for me UNLESS

21 I have INITIALED the specific authority listed below:

1 (CAUTION: Granting any of the following will give your agent the
2 authority to take actions that could significantly reduce your property or
3 change how your property is distributed at your death. INITIAL ONLY the
4 specific authority you WANT to give your agent.)

5 () An agent who is not an ancestor, spouse, or descendant may exercise
6 authority under this power of attorney to create in the agent or in an individual
7 to whom the agent owes a legal obligation of support an interest in my
8 property whether by gift, rights of survivorship, beneficiary designation,
9 disclaimer, or otherwise

10 () Create, amend, revoke, or terminate an inter vivos, family, living,
11 irrevocable, or revocable trust

12 () Consent to the modification or termination of a noncharitable irrevocable
13 trust under 14A V.S.A. § 411

14 () Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any
15 special instructions in this power of attorney

16 () Consent to the modification or termination of a noncharitable irrevocable
17 trust under 14A V.S.A. § 411

18 () Create, amend, or change a beneficiary designation

19 () Waive the principal's right to be a beneficiary of a joint and survivor
20 annuity, including a survivor benefit under a retirement plan

21 () Exercise fiduciary powers that the principal has authority to delegate

1 () Authorize another person to exercise the authority granted under this
2 power of attorney

3 () Disclaim or refuse an interest in property, including a power of
4 appointment

5 () Exercise authority with respect to elective share under 14 V.S.A. § 319

6 () Exercise waiver rights under 14 V.S.A. § 323

7 () Exercise authority over the content and catalogue of electronic
8 communications and digital assets under 14 V.S.A. chapter 125 (Vermont
9 Revised Uniform Fiduciary Access to Digital Assets Act)

10 () Exercise authority with respect to intellectual property, including,
11 without limitation, copyrights, contracts for payment of royalties, and
12 trademarks

13 () Convey, or revoke or revise a grantee designation, by enhanced life
14 estate deed pursuant to 27 V.S.A. chapter 6 ~~of Title 27~~ or under common law.

15 LIMITATION ON AGENT’S AUTHORITY

16 An agent who is not my ancestor, spouse, or descendant MAY NOT use my
17 property to benefit the agent or a person to whom the agent owes an obligation
18 of support unless I have included that authority in the Special Instructions.

19 WHEN POWER OF ATTORNEY EFFECTIVE

20 This power of attorney becomes effective when executed unless the
21 principal has initialed one of the following:

1 _____
 2 _____
 3 _____
 4 _____

~~EFFECTIVE DATE~~

6 ~~This power of attorney is effective immediately unless I have stated~~
7 ~~otherwise in the Special Instructions.~~

NOMINATION OF GUARDIAN (OPTIONAL)

9 If it becomes necessary for a court to appoint a guardian of my estate or a
10 guardian of my person, I nominate the following person(s) for appointment:

11 Name of Nominee for [conservator or guardian] of my estate: _____

12 Nominee’s Address: _____

13 Nominee’s Telephone Number: _____

14 Name of Nominee for guardian of my person: _____

15 Nominee’s Address: _____

16 Nominee’s Telephone Number: _____

RELIANCE ON THIS POWER OF ATTORNEY

18 Any person, including my agent, may rely upon the validity of this power of
19 attorney or a copy of it unless that person knows it has terminated or is invalid.
20 Unless expressly stated otherwise, this power of attorney is durable and shall
21 remain valid if I become incapacitated or unavailable.

1 SIGNATURE AND ACKNOWLEDGMENT

2 Your Name Printed: _____

3 Your Address: _____

4 Your Telephone Number: _____

5 State of: _____

6 County of: _____

7 This document was acknowledged before me on: _____(Date)

8 by _____ . (Name of Principal)

9 (Seal, if any): _____

10 Signature of Notary: _____

11 My commission expires: _____

12 IMPORTANT INFORMATION FOR AGENT

13 Agent’s Duties

14 When you accept the authority granted under this power of attorney, a
15 special legal relationship is created between you and the principal. This
16 relationship imposes upon you legal duties that continue until you resign or the
17 power of attorney is terminated or revoked. You must:

18 (1) do what you know the principal reasonably expects you to do with
19 the principal’s property or, if you do not know the principal’s expectations, act
20 in the principal’s best interests;

21 (2) act in good faith;

1 (3) do nothing beyond the authority granted in this power of attorney;

2 and

3 (4) disclose your identity as an agent whenever you act for the principal
4 by writing or printing the name of the principal and signing your own name as
5 “agent” in the following manner: (Principal’s Name) by (Your Signature) as
6 Agent.

7 Unless the Special Instructions in this power of attorney state otherwise,
8 you must also:

9 (1) act loyally for the principal’s benefit;

10 (2) avoid conflicts that would impair your ability to act in the principal’s
11 best interest;

12 (3) act with care, competence, and diligence;

13 (4) keep a record of all receipts, disbursements, and transactions made
14 on behalf of the principal;

15 (5) cooperate with any person that has authority to make health-care
16 decisions for the principal to do what you know the principal reasonably
17 expects or, if you do not know the principal’s expectations, to act in the
18 principal’s best interests; and

19 (6) attempt to preserve the principal’s estate plan if you know the plan
20 and preserving the plan is consistent with the principal’s best interests.

21 Termination of Agent’s Authority

1 Sec. 17. 14 V.S.A. § 4052 is amended to read:

2 § 4052. STATUTORY SHORT FORM POWER OF ATTORNEY FOR
3 REAL ESTATE TRANSACTIONS

4 (a) A document substantially in the following form may be used to create a
5 statutory form power of attorney for a real estate transaction that has the
6 meaning and effect prescribed by this chapter. Nothing in this section shall
7 prohibit a principal from using this form to grant other powers to an agent with
8 respect to real property consistent with section 4034 of this title.

9 VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT
10 INFORMATION

11 This power of attorney authorizes another person (your agent) to take
12 actions for you (the principal) in connection with a real estate transaction (sale,
13 purchase, mortgage, ~~or~~ gift, or other authorized real estate transaction). Your
14 agent will be able to make decisions and act with respect to a specific parcel of
15 land whether or not you are able to act for yourself. The meaning of authority
16 over subjects listed on this form is explained in the Vermont Uniform Power of
17 Attorney Act, 14 V.S.A. chapter 127.

18 DESIGNATION OF AGENT

19 I/we _____ and _____

20 (Name(s) of Principal) appoint the following person as my (our) agent:

21 Name of Agent: _____

1 Name of ~~Alternate~~ Successor Agent: _____

2 Address of Property that is the subject of this power of attorney
3 (Street): _____, (Municipality)
4 _____, Vermont.

5 Transaction for which the power of attorney is given:

6 Sale

7 Purchase or Acquisition

8 Mortgage

9 Finance and/or Mortgage

10 Gift

11 Other _____

12 GRANT OF AUTHORITY

13 I/we grant my (our) agent and any ~~alternate~~ successor agent authority
14 named in this power of attorney to act for me/us with respect to a real estate
15 transaction involving the property with the address stated above, including, but
16 not limited to, the powers described in 14 V.S.A. § 4034(2), (3), and (4) as
17 provided in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter
18 127, together with the incidental powers enumerated in section 4033 of that
19 chapter.

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POWER TO DELEGATE

[] If this box is checked, each agent appointed in this power of attorney may delegate the authority to act to another person. Any delegation shall be in writing and executed in the same manner as this power of attorney.

TERM

This power of attorney commences when fully executed and continues until the real estate transaction for which it was given is complete.

~~SELF HEALING~~ DEALING

[] If this box is checked, the agent named in this power of attorney may convey the subject real estate with or without consideration to the agent, individually, in trust, or to one or more persons with the agent.

CHOICE OF LAW

This power of attorney and the effect hereof shall be determined by the application of Vermont law and the Vermont Uniform Power of Attorney Act.

SIGNATURE AND ACKNOWLEDGMENT

Your Name Printed

Your Address

Your Telephone Number _____

State of _____

1 County of _____

2 This document was acknowledged before me on _____(Date)

3 by _____

4 (Name of Principal)

5 _____(Seal, if any)

6 Signature of Notary _____

7 My Commission expires: _____

8 (b) A power of attorney in the form above confers on the agent the powers
9 provided in subdivisions 4034(2), (3), and (4) of this chapter.

10 Sec. 18. 27 V.S.A. § 305 is amended to read:

11 § 305. CONVEYANCES EFFECTED THROUGH POWER OF ATTORNEY

12 (a) A deed or other conveyance of lands or of an estate or interest therein,
13 made by virtue of a power of attorney, shall not be of any effect or admissible
14 in evidence unless the power of attorney is signed, ~~witnessed by one or more~~
15 ~~witnesses~~, acknowledged, and recorded in the office where the deed is required
16 to be recorded.

17 * * *

18 Sec. 19. 27 V.S.A. § 657 is amended to read:

19 § 657. EXECUTION BY GUARDIAN; USE OF POWER OF ATTORNEY

20 (a) With the approval of the Probate Division, a guardian may convey the
21 real property of a person under guardianship by an ELE deed.

1 (b) An ELE deed may be executed by an agent under a power of attorney if
2 the power of attorney complies with the ~~requirements of 14 V.S.A. chapter 123~~
3 following, including any applicable gifting and self-dealing provisions:

4 (1) 14 V.S.A. chapter 123, if the ELE deed was executed before July 1,
5 2023; or

6 (2) 14 V.S.A. chapter 127, if the ELE deed was executed on or after July
7 1, 2023.

8 Sec. 20. 15 V.S.A. § 558 is amended to read:

9 § 558. ~~WOMAN SPOUSE ALLOWED TO TAKE MAIDEN PRIOR~~

10 NAME

11 Upon granting a divorce ~~to a woman~~, unless good cause is shown to the
12 contrary, the court ~~may~~ shall allow ~~her~~ a spouse to resume ~~her maiden the~~
13 spouse's prior name or the name of a former ~~husband~~ spouse.

14 Sec. 21. 15 V.S.A. § 788 is amended to read:

15 § 788. PARENT'S RESPONSIBILITY

16 (a) Any parent subject to a child support or parental rights and
17 responsibilities order shall notify in writing the court ~~which~~ that issued the
18 most recent order and the Office of Child Support of ~~his or her~~ the parent's
19 current mailing address and current residence address and of any change in
20 either address within seven business days ~~of~~ after the change, until all
21 obligations to pay support or support arrearages, or to provide for parental

1 rights and responsibilities are satisfied. For good cause, the court may keep
2 information provided under this subsection confidential.

3 (b) When a wage withholding order is in effect, either parent shall notify in
4 writing the registry of the name and address of a new employer within seven
5 days ~~of~~ after commencing new employment. If the Registry has received
6 information that a parent has changed employment, it shall notify the other
7 parent of the fact of the change but shall not disclose the identity or the
8 location of the employer. On request of a parent, the Registry shall provide
9 information on the other parent's wages.

10 (c)(1) In all cases in which a temporary or final order for relief from abuse
11 has been entered, information provided under this section shall be kept
12 confidential by the court. The court, for good cause shown, may release such
13 information.

14 (2) For purposes of this subsection, good cause shall be deemed
15 established when:

16 (A) a party to the relief from the abuse order consents to the release
17 of the party's own information, in which case the court may release that party's
18 information; or

19 (B) the temporary or final order for relief from abuse is no longer in
20 effect.

1 Sec. 22. 23 V.S.A. § 203 is amended to read:

2 § 203. COUNTERFEITING, FRAUD, AND MISUSE; PENALTY

3 (a) A person shall not:

4 * * *

5 (2) display or cause or permit to be displayed, or have in ~~his or her~~ the
6 person's possession, any fictitious or fraudulently altered operator's license,
7 learner's permit, nondriver identification card, inspection sticker, registration
8 certificate, or in-transit registration permit, or display for any fraudulent
9 purpose an expired or counterfeit insurance identification card or similar
10 document;

11 * * *

12 (b)(1) Except as provided in subdivision (2) of this subsection, a violation
13 of subsection (a) of this section shall be a traffic violation for which there shall
14 be a penalty of not more than \$1,000.00. If a person is found to have
15 committed the violation, the person's privilege to operate motor vehicles shall
16 be suspended for 60 days.

17 (2)(A) If a person may be charged with a violation of subdivision (a)(2)
18 of this section or with a violation of 7 V.S.A. § 656, the person shall be
19 charged with a violation of 7 V.S.A. § 656 and not with a violation of this
20 section.

1 (B) If a person may be charged with a violation of subdivision (a)(2)
2 of this section or with a violation of 7 V.S.A. § 1005, the person shall be
3 charged with a violation of 7 V.S.A. § 1005 and not with a violation of this
4 section.

5 Sec. 23. 27 V.S.A. § 349 is amended to read:

6 § 349. CONVEYANCE TO GRANTOR AND OTHERS

7 (a)(1) Without an intervening conveyance, a person may convey interests
8 in real estate directly:

9 ~~(1)(A)~~ to ~~himself or herself~~ themselves in a different legal capacity; ~~or~~

10 ~~(2)(B)~~ to ~~his or her~~ the person's spouse; or

11 ~~(3)(C)~~ to ~~himself or herself~~ themselves and one or more other persons,
12 including ~~his or her~~ the person's spouse.

13 (2) A person shall not convey an interest in a tenancy by the entirety or
14 in homestead property to any person except ~~his or her~~ the person's spouse,
15 unless the spouse joins in the conveyance.

16 (b) A conveyance made pursuant to this section shall be effective to convey
17 such title as would be conveyed by the deed if the grantor were not also a
18 grantee.

1 Sec. 24. 27 V.S.A. § 378 is amended to read:

2 § 378. EFFECT OF RECORDING UNACKNOWLEDGED DEED

3 A person interested in a deed or lease not acknowledged may cause the deed
4 or lease to be recorded without acknowledgment before or during the
5 application to the court or the proceedings before any of the authorities named
6 in sections ~~371–376~~ 371–375 of this title; and, when so recorded in the proper
7 office, it shall be as effectual as though the same had been duly acknowledged
8 and recorded for 60 days thereafter. If such proceedings for proving the
9 execution of the deed are pending at the expiration of such 60 days, the effect
10 of such record shall continue until the expiration of six business days after the
11 termination of the proceedings.

12 Sec. 25. 27 V.S.A. § 1302 is amended to read:

13 § 1302. DEFINITIONS

14 As used in this chapter, unless the context otherwise requires:

15 * * *

16 (7) “Common expenses” include:

17 (A) all sums lawfully assessed against the apartment or site owners
18 by the association of owners;

19 (B) expenses of administration, maintenance, repair, or replacement
20 of the common areas and facilities;

1 (C) expenses agreed upon as common expenses by the association of
2 owners; and

3 (D) expenses declared common expenses by this chapter, or by the
4 declaration or the bylaws.

5 * * *

6 Sec. 26. 27 V.S.A. § 1470(a) is amended to read:

7 (a) ~~It~~ As used in this section, “Death Master File” means the U.S. Social
8 Security Administration Death Master File or other database or service that is
9 at least as comprehensive as the U.S. Social Security Administration Death
10 Master File for determining that an individual reportedly has died.

11 Sec. 27. 27 V.S.A. § 1531(b) is amended to read:

12 (b) Before selling property under subsection (a) of this section, the
13 Administrator shall give notice to the public of:

14 (1) the date of the sale; and

15 (2) a reasonable description of the property.

16 Sec. 28. 27 V.S.A. § 1533(b) is amended to read:

17 (b) Replacement of the security or calculation of market value under
18 subsection (a) of this section must take into account a stock split, reverse stock
19 split, stock dividend, or similar corporate action.

1 Sec. 29. 27 V.S.A. § 1552(c) is amended to read:

2 (c) The Administrator shall decide a claim under this section not later than
3 90 days after it is presented. If the Administrator determines that the other
4 state is entitled under subsection (a) of this section to custody of the property,
5 the Administrator shall allow the claim and pay or deliver the property to the
6 other state.

7 Sec. 30. 27 V.S.A. § 1595(a) is amended to read:

8 (a) If a holder enters into a contract or other arrangement for the purpose of
9 evading an obligation under this chapter or otherwise willfully fails to perform
10 a duty imposed on the holder under this chapter, the Administrator may require
11 the holder to pay the Administrator, in addition to interest as provided in
12 subsection 1594(a) of this title, a civil penalty of \$1,000.00 for each day the
13 obligation is evaded or the duty is not performed, up to a cumulative maximum
14 amount of \$25,000.00, plus 25 percent of the amount or value of property that
15 should have been but was not reported, paid, or delivered as a result of the
16 evasion or failure to perform.

17 Sec. 31. REPEAL

18 27 V.S.A. chapter 7, subchapter 4 (congregational churches) is repealed.

19 Sec. 32. CONSTRUCTION OF ACT; PROPERTY INTERESTS NOT

20 AFFECTED

1 Sec. 31 of this act repeals 27 V.S.A. chapter 7, subchapter 4 for the purpose
2 of removing the statutory duties and procedures governing the transfer of
3 property by congregational churches. This act shall not be construed to affect
4 a religious corporation’s rights or property interest in congregational church
5 property. This act shall not supersede any act of the General Assembly that
6 vested specific rights or interests in, or established specific procedures for the
7 transfer of property by, a chartered religious corporation.

8 Sec. 33. 28 V.S.A. § 126 is amended to read:

9 § 126. COORDINATED JUSTICE REFORM ADVISORY COUNCIL

10 * * *

11 (c) Powers and duties. The Coordinated Justice Reform Advisory Council
12 shall:

13 * * *

14 (5) on or before September 1, 2023 and annually thereafter, recommend
15 to the Commissioner of Corrections ~~the~~ a new appropriate allocation of not
16 more than \$900,000.00 from the Justice Reinvestment II line item of the
17 Department of Corrections’ budget for the ~~upcoming~~ next fiscal year to support
18 community-based programs and services, related data collection and analysis
19 capacity, and other initiatives in accordance with subsection (a) of this section.

20 * * *

1 (e) Reports. On or before November 15, 2023 and annually thereafter, the
2 Coordinated Justice Reform Advisory Council shall submit recommendations
3 pursuant to subdivisions (c)(4) and (c)(5) of this section to the Joint Legislative
4 Justice Oversight Committee; the Senate Committees on Appropriations and
5 on Judiciary; and the House Committees on Appropriations, on Corrections
6 and Institutions, and on Judiciary. Any recommendations submitted pursuant
7 to subdivision (c)(4) shall be in the form of proposed legislation. The Council
8 shall include in its reports the efforts it has made to consult with the
9 organizations listed in subdivision (c)(3) of this section.

10 * * *

11 Sec. 34. 28 V.S.A. § 102 is amended to read:

12 § 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;
13 POWERS; RESPONSIBILITIES

14 * * *

15 (c) The Commissioner is charged with the following responsibilities:

16 * * *

17 (23) To include the Coordinated Justice Reform Advisory Council's
18 appropriation recommendations made pursuant to subdivision 126(c)(5) of this
19 title in the Department's annual proposed budget for the next subsequent fiscal
20 year for the purposes of developing the State budget required to be submitted
21 to the General Assembly in accordance with 32 V.S.A. § 306.

1 Sec. 35. 29 V.S.A. § 561 is added to read:

2 § 561. RELEASE OF OIL AND GAS LEASES

3 (a) After the expiration, cancellation, surrender, or relinquishment of an oil
4 and gas lease, upon written request of the lessor, the lessee shall file a release
5 or discharge of the lease in the land records of the town or towns where the
6 lands described in the lease are located. The filing shall be in recordable form
7 and shall include any fees.

8 (b) If any lessee, or the lessee’s personal representative, successor, or
9 assign, fails or refuses to record a release for a period of 30 days after being so
10 requested, the lessee shall be liable for all damages occasioned thereby,
11 including costs and reasonable attorney’s fees.

12 (c) A lessor’s request for release or discharge shall be in writing and
13 delivered to the lessee by personal service or registered mail at the lessee’s last
14 known address.

15 Sec. 36. 29 V.S.A. § 563 is added to read:

16 § 563. ABANDONMENT OF OIL AND GAS INTERESTS;

17 PRESERVATION

18 (a) An abandoned interest in oil and gas shall revert to and merge with the
19 surface estate from which it was severed.

20 (b) An interest in oil and gas is deemed abandoned at any time that:

1 (1) it has been unused for a continuous period of 10 years after July 1,
2 1973; and

3 (2) no statement of interest under subsection (e) of this section has been
4 filed at any time within the preceding five years.

5 (c) The provisions of subsection (b) of this section shall not apply to any
6 interest in oil or gas that has been retained by the owner who originally severed
7 the mineral estate from the surface estate, notwithstanding that other interests
8 in the land, including ownership of the surface, may have been sold, leased,
9 mortgaged, or otherwise transferred.

10 (d) This section applies to all interests in oil and gas. It also applies to
11 interests in other minerals if created inclusively in the same instrument that
12 expressly creates an oil and gas interest. It does not apply to mineral interests
13 that do not expressly include an oil and gas interest or were intended to be
14 separate from an oil and gas interest.

15 (e) An interest in oil and gas is deemed used at any time in which:

16 (1) there is actual production of oil or gas, including production from
17 lands covered by a lease to which an oil and gas interest is subject, or from
18 lands pooled or unitized with such lands;

19 (2) oil and gas operations are conducted under the terms of the
20 instrument creating the oil and gas interest;

1 (3) payment is made of rental or royalties for the purpose of delaying the
2 use or continuing the use of the oil and gas interest;

3 (4) payment of taxes is made on the oil and gas interest; or

4 (5) there exists a currently valid permit under 10 V.S.A. chapter 151 or a
5 currently valid drilling permit under this chapter for development of the oil and
6 gas interest.

7 (f) The owner of an interest in oil or gas may file a statement of interest in
8 the land records of any municipality in which the land affected is located. The
9 statement shall include a description of the land affected, the nature of the
10 interest claimed, the book and page of recording of the original grant of the
11 interest, and the name and address of the person claiming the interest.

12 (g) The owner of the surface estate from which an oil and gas interest was
13 severed may give notice of abandonment under this subsection. Notice shall
14 contain the name of the record owner of the interest; a description of the land
15 and the nature of the interest; the book and page of filing of the interest, if it is
16 filed; the name and address of the person giving notice; and a statement that
17 the interest is presumed abandoned. The notice shall be published in a
18 newspaper of general circulation in the town or towns where the land affected
19 is located. If the address of the owner of the oil and gas interest is shown on
20 record, a copy of the notice shall be mailed to that address by certified or
21 registered mail within 10 days after the date of publication.

1 (h) A copy of the notice under subsection (g) of this section, and an
2 affidavit, may be filed in the land records of the municipality in which the land
3 is located. The affidavit shall state that the oil or gas interest has been
4 abandoned under the criteria set forth in subsection (b) of this section, and that
5 notice of abandonment has been given under the criteria set forth in subsection
6 (g). After the notice and affidavit have been filed, unless a court finds to the
7 contrary, the oil and gas interest shall be presumed abandoned, and the interest
8 of the surface owner shall be presumed for all purposes free of encumbrance
9 from that interest.

10 Sec. 37. 2022 Acts and Resolves No. 165, Secs. 8–10 are amended to read:

11 Sec. 8. [Deleted.]

12 Sec. 9. [Deleted.]

13 Sec. 10. [Deleted.]

14 Sec. 38. 2022 Acts and Resolves No. 165, Sec. 11(d) is amended to read:

15 ~~(d) Secs. 8–10 (repeal of authority to use gun suppressors while hunting)~~
16 ~~shall take effect on July 1, 2024.~~ [Deleted.]

17 Sec. 39. REPEAL OF DEPARTMENT OF CORRECTIONS PILOT

18 PROJECT

19 Sec. 2 of 2021 Acts and Resolves No. 14 (Department of Corrections pilot
20 project requiring report to court prior to sentencing a defendant to a term of
21 probation for a felony) is repealed.

1 Sec. 40. 20 V.S.A. § 4626 is added to read:

2 § 4626. DRONES; OPERATION OVER PRIVATE PROPERTY WITHOUT
3 CONSENT OF OWNER; CIVIL PENALTY

4 (a) A person shall not fly a drone for hobby or recreational purposes at an
5 altitude of less than 100 feet above privately owned real property unless the
6 person has obtained prior written consent from the property owner.

7 (b) A person shall not, without the prior written consent of the property
8 owner or occupant, use a drone to record an image of privately owned real
9 property or of the owner or occupant of the property with the intent to conduct
10 surveillance on the person or the property in violation of the person's
11 reasonable expectation of privacy. For purposes of this subsection, a person is
12 presumed to have a reasonable expectation of privacy on the person's privately
13 owned real property if the person is not observable by another person located
14 at ground level in a place where the other person has a legal right to be,
15 regardless of whether the person is observable from the air using a drone.

16 (c) A person engaged in the business of selling drones shall provide written
17 notice to each purchaser of a drone required to be registered by the U.S.
18 Department of Transportation about the requirements under subsections (a) and
19 (b) of this section for flying a drone above privately owned real property
20 without the property owner's prior written consent.

1 (d) A person who violates this section shall be assessed a civil penalty of
2 not more than:

3 (1) \$50.00 for a first violation; or

4 (2) \$250.00 for a second or subsequent violation.

5 (e) As used in this section:

6 (1) “Property owner” means a person who owns, leases, licenses, or
7 otherwise controls ownership or use of land, or an employee or agent of that
8 person.

9 (2) “Surveillance” means:

10 (A) with respect to an owner or occupant of privately owned real
11 property, the observation of the person with sufficient visual clarity to be able
12 to obtain information about the person’s identity, habits, conduct, movements,
13 or whereabouts; or

14 (B) with respect to privately owned real property, the observation of
15 the property’s physical improvements with sufficient visual clarity to be able to
16 determine unique identifying features about the property or information about
17 its owners or occupants.

18 (f) This section shall not apply to the use of drones by:

19 (1) distribution or transmission utilities or their contractors for purposes
20 of ensuring system reliability and resiliency; or

21 (2) a law enforcement officer for legitimate law enforcement purposes.

1 Sec. 41. 4 V.S.A. § 1102 is amended to read:

2 § 1102. JUDICIAL BUREAU; JURISDICTION

3 * * *

4 (b) The Judicial Bureau shall have jurisdiction of the following matters:

5 * * *

6 (33) Violations of 20 V.S.A. § 4626, relating to flying, and providing
7 information about flying, a drone above privately owned real property without
8 the owner's consent.

9 * * *

10 Sec. 42. 32 V.S.A. § 9605 is amended to read:

11 § 9605. PAYMENT OF TAX

12 (a) The tax imposed by this chapter shall be paid to the Commissioner
13 within 30 days after transfer of title to property subject to the tax or, in the case
14 of a transfer or acquisition of a controlling interest in a person with title to
15 property for which a deed is not given, within 30 days after transfer or
16 acquisition.

17 (b) If an agreement, instrument, memorandum, or other writing evidencing
18 a transfer of title to property is taxed as a deed at the time of its recording, the
19 later recording of the deed to the property shall not be subject to the transfer
20 tax.

1 (c)(1) Notwithstanding any provision of law to the contrary, in the case of a
2 transfer of interest in property through a validly executed enhanced life estate
3 deed recorded pursuant to 27 V.S.A. chapter 6, payment shall be due by the
4 transferee within 30 days after transfer of title to the transferee pursuant to the
5 deed. A completed property transfer return, noting the amount of tax due to
6 the Department, shall be recorded along with the deed.

7 (2) No tax shall be due under this chapter on an enhanced life estate
8 interest that is revoked or revised pursuant to 27 V.S.A. chapter 6, provided
9 that, in the case of a revision, the revised enhanced life estate interest transfer
10 shall be subject to tax under this chapter.

11 (3) When it appears from the land records that a property is subject to
12 tax on an enhanced life estate interest under this chapter, a person having or
13 claiming an interest in the property, or a person representing a person having
14 or claiming an interest in the property may submit a notarized request to the
15 Department for a statement that a property transfer tax on an enhanced life
16 estate deed transfer has been paid. Notwithstanding any other provision of
17 law, the Department shall respond to the request with a written statement that
18 the tax has or has not been paid. If recorded in the land records, the
19 department's response shall constitute evidence that the tax was paid.

20 Sec. 43. 32 V.S.A. § 9617 is amended to read:

21 § 9617. NOTICES; APPEALS

1 Unless otherwise provided by this title:

2 * * *

3 (8)(A) At any time within three years after the date a property is
4 transferred, a taxpayer may petition the Commissioner in writing for the refund
5 of all or any part of the amount of tax paid. The Commissioner shall thereafter
6 grant a hearing subject to the provisions of 3 V.S.A chapter 25 upon the matter
7 and notify the taxpayer in writing of the Commissioner's determination
8 concerning the refund request. The Commissioner's determination may be
9 appealed as provided in subdivision (5) of this section. This shall be a
10 taxpayer's exclusive remedy with respect to the refund of taxes under this
11 chapter, ~~except as provided under subdivision (B) of this subsection.~~

12 ~~(B) If the transfer taxed by this chapter was an enhanced life estate~~
13 ~~interest and that interest is revoked or revised pursuant to 27 V.S.A. chapter 6,~~
14 ~~the person who paid the tax may petition for a refund, provided that the~~
15 ~~petition is made within eight years after the date of payment of the tax and~~
16 ~~within one year after the date of revocation or revision. No petition for a~~
17 ~~refund shall be granted for the revocation or revision of an interest that~~
18 ~~occurred eight years or more after the date of payment of the tax. In the case~~
19 ~~of a revision, the revised enhanced life estate interest transfer shall be subject~~
20 ~~to tax under this chapter.~~

1 Sec. 44. 27 V.S.A. § 654 is amended to read:

2 § 654. EXECUTION AND RECORDING OF AN ENHANCED LIFE

3 ESTATE DEED

4 (a) Subject to the rights expressly reserved in the deed, a validly executed
5 and recorded ELE deed does not:

6 (1) affect the ownership rights of the grantor or the grantor's creditors;

7 (2) transfer or convey any present right, title, or interest in the property
8 or create any present legal or equitable interest in the grantee; or

9 (3) subject the grantor's property to process from the grantee's creditors.

10 (b) The grantor may convey the property described in an ELE deed, or any
11 portion thereof, without the need for joinder by, consent from, agreement of, or
12 notice to the grantee.

13 (c) If not previously conveyed during the lifetime of the grantor, upon the
14 death of the grantor, subject to encumbrances of record, the interest stated in an
15 ELE deed vests in the grantee or, for a deceased grantee, the interest passes
16 pursuant to section 658 of this title.

17 (d) An executed and recorded ELE deed shall be subject to the property
18 transfer tax ~~under~~ according to the provisions of 32 V.S.A. chapter 231
19 § 9605(c).

20 Sec. 45. 13 V.S.A. § 2606 is amended to read:

21 § 2606. DISCLOSURE OF SEXUALLY EXPLICIT IMAGES WITHOUT

1 CONSENT

2 (a) As used in this section:

3 (1) “Disclose” includes transfer, publish, distribute, exhibit, or
4 reproduce.

5 (2) “Harm” means physical injury, financial injury, or serious emotional
6 distress.

7 (3) “Nude” means any one or more of the following uncovered parts of
8 the human body:

9 (A) genitals;

10 (B) pubic area;

11 (C) anus; or

12 (D) post-pubescent female nipple.

13 (4) “Sexual conduct” shall have the same meaning as in section 2821 of
14 this title.

15 (5) “Visual image” includes a photograph, film, videotape, recording, or
16 digital reproduction, including an image created or altered by digitization.

17 (6) “Digitization” means the process of altering an image in a realistic
18 manner utilizing an image or images of a person, including images other than
19 the person depicted, or computer-generated images.

20 (b)(1) A person violates this section if ~~he or she~~ the person knowingly
21 discloses a visual image of an identifiable person who is nude or who is

1 engaged in sexual conduct, without ~~his or her~~ the person's consent, with the
2 intent to harm, harass, intimidate, threaten, or coerce the person depicted, and
3 the disclosure would cause a reasonable person to suffer harm. A person may
4 be identifiable from the image itself or information offered in connection with
5 the image. Consent to recording or production of the visual image does not, by
6 itself, constitute consent for disclosure of the image. A person who violates
7 this subdivision (1) shall be imprisoned not more than two years or fined not
8 more than \$2,000.00, or both.

9 (2) A person who violates subdivision (1) of this subsection with the
10 intent of disclosing the image for financial profit shall be imprisoned not more
11 than five years or fined not more than \$10,000.00, or both.

12 (c) A person who maintains an ~~Internet~~ internet website, online service,
13 online application, or mobile application that contains a visual image of an
14 identifiable person who is nude or who is engaged in sexual conduct shall not
15 solicit or accept a fee or other consideration to remove, delete, correct, modify,
16 or refrain from posting or disclosing the visual image if requested by the
17 depicted person.

18 (d) This section shall not apply to:

19 (1) Images involving voluntary nudity or sexual conduct in public or
20 commercial settings or in a place where a person does not have a reasonable
21 expectation of privacy.

1 (2) Disclosures made in the public interest, including the reporting of
2 unlawful conduct, or lawful and common practices of law enforcement,
3 criminal reporting, corrections, legal proceedings, or medical treatment.

4 (3) Disclosures of materials that constitute a matter of public concern.

5 (4) Interactive computer services, as defined in 47 U.S.C. § 230(f)(2), or
6 information services or telecommunications services, as defined in 47 U.S.C.
7 § 153, for content solely provided by another person. This subdivision shall
8 not preclude other remedies available at law.

9 (e)(1) A plaintiff shall have a private cause of action against a defendant
10 who knowingly discloses, without the plaintiff’s consent, an identifiable visual
11 image of the plaintiff while ~~he or she~~ the plaintiff is nude or engaged in sexual
12 conduct and the disclosure causes the plaintiff harm.

13 (2) In addition to any other relief available at law, the court may order
14 equitable relief, including a temporary restraining order, a preliminary
15 injunction, or a permanent injunction ordering the defendant to cease display
16 or disclosure of the image. The court may grant injunctive relief maintaining
17 the confidentiality of a plaintiff using a pseudonym.

18 Sec. 46. 15A V.S.A. § 3-504 is amended to read:

19 § 3-504. GROUNDS FOR TERMINATING RELATIONSHIP OF PARENT
20 AND CHILD

1 (a) If a respondent answers or appears at the hearing and asserts parental
2 rights, the court shall proceed with the hearing expeditiously. If the court
3 finds, upon clear and convincing evidence, that any one of the following
4 grounds exists and that termination is in the best interests of the minor, the
5 court shall order the termination of any parental relationship of the respondent
6 to the minor:

7 * * *

8 (2) In the case of a minor over six months of age at the time the petition
9 is filed, the respondent did not exercise parental responsibility for a period of
10 at least six months immediately preceding the filing of the petition. In making
11 a determination under this subdivision, the court shall consider all relevant
12 factors, which may include the respondent’s failure to:

13 (A) ~~make reasonable and consistent payments, in accordance with his~~
14 ~~or her financial means, for the support of the minor, although legally obligated~~
15 ~~to do so; [Repealed.]~~

16 (B) regularly communicate or visit with the minor; or

17 (C) during any time the minor was not in the physical custody of the
18 other parent, manifest an ability and willingness to assume legal and physical
19 custody of the minor.

20 * * *

1 Sec. 47. 13 V.S.A. § 3835 is added to read:

2 § 3835. SURVEILLANCE DEVICES; PLACEMENT ON PRIVATE
3 PROPERTY WITHOUT CONSENT OF OWNER; CIVIL
4 PENALTY

5 (a) A person shall not place a camera or other surveillance device on any
6 privately owned real property with the intent to conduct surveillance on the
7 person or the property unless the person has obtained prior written consent
8 from the property owner.

9 (b) A person who violates this section shall be assessed a civil penalty of
10 not more than:

11 (1) \$50.00 for a first violation; or

12 (2) \$250.00 for a second or subsequent violation.

13 (c) This section shall not apply to the use of a camera or other surveillance
14 device by a law enforcement officer for legitimate law enforcement purposes.

15 (d) As used in this section:

16 (1) “Property owner” means a person who owns, leases, licenses, or
17 otherwise controls ownership or use of land, or an employee or agent of that
18 person.

19 (2) “Surveillance” means:

20 (A) with respect to an owner or occupant of privately owned real
21 property, the observation of the person with sufficient visual clarity to be able

1 to obtain information about the person’s identity, habits, conduct, movements,
2 or whereabouts; or

3 (B) with respect to privately owned real property, the observation of
4 the property’s physical improvements with sufficient visual clarity to be able to
5 determine unique identifying features about the property or information about
6 its owners or occupants.

7 (3) “Surveillance device” means a device hidden or obscured from plain
8 view that permits the observation of privately owned real property or the
9 activities of a person on the property in a manner that invades a person’s
10 reasonable expectation of privacy.

11 Sec. 48. 4 V.S.A. § 1102 is amended to read:

12 § 1102. JUDICIAL BUREAU; JURISDICTION

13 * * *

14 (b) The Judicial Bureau shall have jurisdiction of the following matters:

15 * * *

16 (34) Violations of 13 V.S.A. § 3835, relating to placing a camera or
17 other surveillance device on privately owned real property without the owner’s
18 consent.

19 * * *

1 Sec. 49. INDIVIDUALS WITH INTELLECTUAL DISABILITIES;

2 SECURE, COMMUNITY-BASED RESIDENCES

3 (a) In fiscal year 2025, the Department of Disabilities, Aging, and
4 Independent Living may construct, develop, purchase, or contract for one or
5 more secure, community-based residences for the treatment of individuals in
6 the Commissioner’s custody. The Commissioner shall ensure that a secure,
7 community-based residence authorized under this section provides appropriate
8 custody, care, and habilitation in a designated program, including the provision
9 of psychiatric, psychological, nursing, and other medical care, as needed by the
10 resident.

11 (b) Notwithstanding 18 V.S.A. chapter 221, subchapter 5, the establishment
12 of one or more secure, community-based residences pursuant to this section
13 shall not require a certificate of need.

14 (c) As used in this section:

15 (1) “Designated program” has the same meaning as in 18 V.S.A. § 8839.

16 (2) “Secure” means that residents may be physically prevented from
17 leaving the residence by means of locking devices or other mechanical or
18 physical mechanisms.

19 Sec. 50. REPORT; COMPETENCY RESTORATION PROGRAM; FISCAL

20 ESTIMATE

1 On or before November 1, 2024, the Agency of Human Services shall
2 submit a report to the House Committees on Appropriations and on Health
3 Care and to the Senate Committees on Appropriations and on Health and
4 Welfare that provides a fiscal estimate for the implementation of a competency
5 restoration program operated or under contract with the Department of Mental
6 Health. The estimate shall include:

7 (1) whether and how to serve individuals with an intellectual disability in
8 a competency restoration program;

9 (2) varying options dependent upon which underlying charges are
10 eligible for court-ordered competency restoration; and

11 (3) costs associated with establishing a residential program where court-
12 ordered competency restoration programming may be performed on an
13 individual who is neither in the custody of the Commissioner of Mental Health
14 pursuant to 13 V.S.A. § 4822 nor in the custody of the Commissioner of
15 Disabilities, Aging, and Independent Living pursuant to 13 V.S.A. § 4823.

16 Sec. 51. 23 V.S.A. § 941 is amended to read:

17 § 941. INSURANCE AGAINST UNINSURED, UNDERINSURED, OR

18 UNKNOWN MOTORIST

19 * * *

20 (f) For the purpose of this subchapter, a motor vehicle is underinsured to
21 the extent that:

1 (1) the liability insurance limits applicable at the time of the crash are
2 less than the ~~limits of the uninsured motorist coverage applicable to the insured~~
3 damages that a person insured pursuant to this section is legally entitled to
4 recover because of injury or death; or

5 (2) the available liability insurance has been reduced by payments to
6 others injured in the crash to an amount less than the ~~limits of the uninsured~~
7 ~~motorist coverage applicable to the insured~~ damages that a person insured
8 pursuant to this section is legally entitled to recover because of injury or death.

9 * * *

10 (h) Payments made to an injured party under the liability insurance policy
11 of the person legally responsible for the damage or personal injury shall not be
12 deducted from the underinsured motorist coverage otherwise available to the
13 injured party.

14 Sec. 52. 8 V.S.A. § 4203(4) is amended to read:

15 (4) Payment of any judicial judgment or claim by the insured for any of
16 the company's liability under the policy shall not bar the insured from any
17 action or right of action against the company. In case of payment of loss or
18 expense under the policy, the company shall be subrogated to all rights of the
19 insured against any party, as respects such loss or expense, to the amount of
20 such payment, and the insured shall execute all papers required and shall
21 cooperate with the company to secure to the company such rights. However,

1 the right of subrogation against any third party shall not exist or be claimed in
2 favor of the insurer who has paid or reimbursed, to or for the benefit of the
3 insured, medical costs payable pursuant to medical payments coverage.

4 Sec. 53. APPLICABILITY

5 Secs. 51 and 52 of this act apply to all automobile insurance policies
6 offered, issued, or renewed on or after January 1, 2025.

7 Sec. 54. 18 V.S.A. § 4248 is amended to read:

8 § 4248. RECORDS

9 ~~(a) Law enforcement departments and agencies, and other State~~
10 ~~departments and agencies that have custody of any property subject to~~
11 ~~forfeiture under this subchapter, or that dispose of such property, shall keep~~
12 ~~and maintain full and complete records including the following:~~

13 ~~(1) from whom the property was received;~~

14 ~~(2) description of the property, including the exact kinds, quantities, and~~
15 ~~forms of the property;~~

16 ~~(3) value of the property;~~

17 ~~(4) if the property is deposited in an interest-bearing account, the~~
18 ~~location of the account and the amount of interest;~~

19 ~~(5) under what authority the property was held or received or disposed;~~

20 ~~(6) to whom the property was delivered;~~

1 ~~(7) the date and manner of destruction or disposition of the property~~
2 Annually, on or before December 15, the Department of Public Safety shall
3 report all criminal and civil seizures and forfeitures made by law enforcement
4 agencies under federal and State law to the Senate and House Committees on
5 Judiciary.

6 ~~(b) Those records shall be submitted to the State Treasurer and shall be~~
7 ~~open to inspection by all federal and State departments and agencies charged~~
8 ~~with enforcement of federal and State drug control laws. Persons making final~~
9 ~~disposition or destruction of the property under court order shall report, under~~
10 ~~oath, to the court the exact circumstances of that disposition or destruction and~~
11 ~~a copy of that report shall be sent to the State Treasurer. Law enforcement~~
12 agencies that seize property subject to forfeiture under this subchapter and
13 applicable federal drug laws shall maintain complete records for the agency's
14 own use and annually submit a report, on or before November 15, to the
15 Department of Public Safety containing information about each seizure,
16 including the following:

17 (1) the name of the law enforcement agency, State task force, or joint
18 state-federal task force that seized the property;

19 (2) a description of the property, including the exact kinds, quantities,
20 and forms of the seized property;

21 (3) the date and estimated value of the seized property;

1 (4) under what suspected crime or authority the property was seized;

2 (5) whether the person from whom the property was seized waived
3 ownership as part of an agreement with a prosecutor or law enforcement
4 agency;

5 (6) the name of the State or federal office, department, or agency
6 responsible for prosecuting any associated criminal case and the criminal
7 charge filed against the person from whom the property was seized or other
8 property owner;

9 (7) the criminal docket number and court in which the criminal case was
10 filed;

11 (8) the name of the State or federal office, department, or agency
12 responsible for prosecuting the property's forfeiture;

13 (9) the civil, administrative, or criminal forfeiture docket number and
14 the court in which the forfeiture case was filed;

15 (10) whether the property owner defaulted in the civil, administrative, or
16 criminal forfeiture case;

17 (11) the date and disposition of the property, including whether it was
18 returned to the owner, innocent owner or creditor; partially returned to the
19 owner, innocent owner or creditor; sold, destroyed, or retained by a law
20 enforcement agency; or is pending disposition; and

1 (12) the date and value of the forfeiture proceeds remitted to the law
2 enforcement agency.

3 (c) The Department of Public Safety shall establish a searchable public
4 website in which the data is machine-readable. The Department may adopt
5 rules and establish policies and procedures concerning additional requirements,
6 including forms, instructions, deadlines, fees, penalties, audits, null reports,
7 and a website necessary to implement this section.

8 (d) A law enforcement agency may postpone the reporting of a particular
9 seizure if the property was seized from a confidential informant under the
10 agency’s confidential informant policy. Such postponement may continue for
11 as long as the confidential informant cooperates with the law enforcement
12 agency, after which time the agency shall report the seizure as required by this
13 section.

14 (e) The Department of Public Safety may recoup its costs in publishing the
15 report required pursuant to subsection (a) of this section by charging a fee to
16 the law enforcement agency filing the report required by subsection (b) of this
17 section other than an agency that files a null report. The law enforcement
18 agency may use forfeiture proceeds to pay the costs of compiling and reporting
19 pursuant to this section and to pay any fees imposed by the Department of
20 Public Safety.

21 Sec. 55. APPLICABILITY

1 Notwithstanding 1 V.S.A. § 214, Sec. 54 of this act shall apply retroactively
2 to any seizures occurring on and after January 1, 2024.

3 Sec. 56. EFFECTIVE DATES

4 This act shall take effect on passage, except that notwithstanding 1 V.S.A.
5 § 214, Sec. 12 (13 V.S.A. § 7282) shall take effect on passage and shall apply
6 retroactively to July 1, 2023.

7

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13 (Committee vote: _____)

14

15

Senator _____

16

FOR THE COMMITTEE