1	TO THE HONORABLE SENATE:
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 Senate propose to the House that
5	the bill be amended by striking out all after the enacting clause and inserting in
6	lieu thereof the following:

- 7 Sec. 1. 13 V.S.A. § 2575 is amended to read:
- 8 § 2575. OFFENSE OF RETAIL THEFT
- 9 A person commits the offense of retail theft when the person, with intent of
- 10 depriving a merchant wrongfully of the lawful possession of merchandise,
- 11 money, or credit:
- 12 (1) takes and carries away or causes to be taken and carried away or aids
- 13 and abets the carrying away of, any merchandise from a retail mercantile
- 14 establishment without paying the retail value of the merchandise; or
- 15 ***
- 16 Sec. 2. 13 V.S.A. § 2577 is amended to read:
- 17 § 2577. PENALTY
- 18 (a) A person convicted of the offense of retail theft of merchandise having
- 19 a retail value not in excess of \$900.00 shall:
- 20 (1) for a first offense, be punished by a fine of not more than \$500.00 or
- 21 imprisonment for not more than six months, or both;

1	(2) for a second offense, be punished by a fine of not more than
2	\$1,000.00 or imprisonment for not more than one year, or both;
3	(3) for a third offense, be punished by a fine of not more than \$1,500.00
4	or imprisonment for not more than three years, or both; or
5	(4) for a forth or subsequent offense, be punished by a fine of not more
6	than \$2,500.00 or imprisonment for not more than ten years, or both.
7	(b) A person convicted of the offense of retail theft of merchandise having
8	a retail value in excess of \$900.00 shall be punished by a fine of not more than
9	\$1,000.00 or imprisonment for not more than 10 years, or both.
10	* * *
11	(d)(1) A person who commits more than one retail theft offense in violation
12	of subdivision 2575(1) of this title in one or more locations within a 14-day
13	period and within a single county shall be punished by a fine of not more than
14	\$1,000.00 or imprisonment for not more than 10 years, or both, if the aggregate
15	retail value of the merchandise taken away exceeds \$900.00.
16	(2) This subsection shall be repealed on July 1, 2027.
17	Sec. 3. INTENT
18	It is the intent of the General Assembly that the Department of Corrections
19	reinstitute the Community Restitution Program and ensure that it is
20	appropriately staffed and resourced so that it may be offered in all 14 counties
21	as a sentencing alternative.

1	Sec. 4. 13 V.S.A. § 7030 is amended to read:
2	§ 7030. SENTENCING ALTERNATIVES
3	(a) In determining which of the following should be ordered, the court shall
4	consider the nature and circumstances of the crime; the history and character of
5	the defendant; the defendant's family circumstances and relationships; the
6	impact of any sentence upon the defendant's minor children; the need for
7	treatment; and the risk to self, others, and the community at large presented by
8	the defendant:
9	(1) A deferred sentence pursuant to section 7041 of this title.
10	(2) Referral to a community reparative board pursuant to 28 V.S.A.
11	chapter 12 in the case of an offender who has pled guilty to a nonviolent
12	felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the
13	subject areas prohibited for referral to a community justice center under
14	24 V.S.A. § 1967. Referral to a community reparative board pursuant to this
15	subdivision does not require the court to place the offender on probation. The
16	offender shall return to court for further sentencing if the reparative board does
17	not accept the case or if the offender fails to complete the reparative board
18	program to the satisfaction of the board in a time deemed reasonable by the
19	board.
20	(3) <u>Community restitution pursuant to a policy adopted by the</u>
21	Commissioner of Corrections.

1	(4) Probation pursuant to 28 V.S.A. § 205.
2	(4)(5) Supervised community sentence pursuant to 28 V.S.A. § 352.
3	(5)(6) Sentence of imprisonment.
4	(b) When ordering a sentence of probation, the court may require
5	participation in the Restorative Justice Program established by 28 V.S.A.
6	chapter 12 as a condition of the sentence.
7	Sec. 5. EFFECTIVE DATE
8	This act shall take effect on passage.
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15	(Committee vote:)
16	
17	Senator
18	FOR THE COMMITTEE