

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 \* \* \*

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

20 § 3087. ~~RECOGNIZANCE FOR TRUSTEE'S COSTS~~

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 [Repealed.]~~

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

8       § 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

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

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

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

18               (1) The right to receive a medical forensic examination and any related  
19       toxicology testing at no cost to the survivor in accordance with 32 V.S.A.  
20       § 1407, irrespective of whether the survivor reports to or cooperates with law

1 enforcement. If the survivor opts to have a medical forensic examination, ~~he~~  
2 ~~or she~~ the survivor shall have the following additional rights:

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

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

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

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

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

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

19 (i) receive written notification from the appropriate official with  
20 custody not later than 60 days before the date of the kit's intended destruction  
21 or disposal; and

1                   (ii) be granted further preservation of the kit or its probative  
2 contents.

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

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

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

8                   (5) The right to information about confidentiality.

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

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

15 § 3401. DEFINITION AND PUNISHMENT OF TREASON

16                   A person owing allegiance to this State, who levies war or conspires to levy  
17 war against the same, or adheres to the enemies thereof, giving them aid and  
18 comfort, within the State or elsewhere, shall be guilty of treason against this  
19 State and shall ~~suffer the punishment of death~~ be imprisoned for not less than  
20 25 years with a maximum term of life and, in addition, may be fined not more  
21 than \$50,000.00.

1       Sec. 8. REPEALS

2           The following sections are repealed: 13 V.S.A. § 7101 (sentence and  
3           warrant); 13 V.S.A. § 7102 (pardon); 13 V.S.A. § 7103 (place of execution);  
4           13 V.S.A. § 7104 (manner of confinement); 13 V.S.A. § 7105 (persons present  
5           at execution); 13 V.S.A. § 7106 (manner of execution); and 13 V.S.A. § 7107  
6           (returns of Commissioner).

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

8       § 4056. SERVICE

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

15          (b) A respondent who attends a hearing held under section 4053, 4054, or  
16          4055 of this title at which a temporary or final order under this subchapter is  
17          issued and who receives notice from the court on the record that the order has  
18          been issued shall be deemed to have been served. A respondent notified by the  
19          court on the record shall be required to adhere immediately to the provisions of  
20          the order. ~~However, even when the court has previously notified the~~  
21          ~~respondent of the order, the court shall transmit the order for additional service~~

1 ~~by a law enforcement agency.~~ The clerk shall mail a copy of the order to the  
2 respondent at the respondent's last known address.

3 \* \* \*

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

5 § 4814. ORDER FOR EXAMINATION OF COMPETENCY

6 \* \* \*

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

11 \* \* \*

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

13 § 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

14 \* \* \*

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

21 \* \* \*



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

2 § 7282. SURCHARGE

3 (a) In addition to any penalty or fine imposed by the court for a criminal  
4 offense or any civil penalty imposed by the Judicial Bureau for a traffic  
5 violation, including any violation of a fish and wildlife statute or regulation,  
6 violation of a motor vehicle statute, or violation of any local ordinance relating  
7 to the operation of a motor vehicle, except violations relating to seat belts and  
8 child restraints and ordinances relating to parking violations, the clerk of the  
9 court or Judicial Bureau shall levy an additional surcharge of:

10 \* \* \*

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

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

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

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

6           (E) For any offense or violation committed after June 30, 2023,  
7           \$47.00, of which \$33.50 shall be deposited in the Victims Compensation  
8           Special Fund created by section 5359 of this title, and of which \$13.50 shall be  
9           deposited in the Domestic and Sexual Violence Special Fund created by  
10           section 5360 of this title.

11                                   \* \* \*

12           (c) SIU surcharge. In addition to any penalty or fine imposed by the court  
13           or Judicial Bureau for a criminal offense committed after July 1, 2009, the  
14           clerk of the court or Judicial Bureau shall levy an additional surcharge of  
15           \$100.00 to be deposited in the General Fund, in support of the Specialized  
16           Investigative Unit Grants Board created in 24 V.S.A. § 1940(c), and used to  
17           pay for the costs of Specialized Investigative Units.

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

19                           (3) All records of information obtained during risk assessment or needs  
20           screening shall be stored in a manner making them accessible only to the  
21           Director of Pretrial Services and pretrial service coordinators for a period of

1 three years, after which the records shall be maintained as required by ~~sections~~  
2 ~~117 and 218 of this title~~ 3 V.S.A. §§ 117 and 218 and any other State law. The  
3 Director of Pretrial Services shall be responsible for the destruction of records  
4 when ordered by the court.

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

6 § 4020. LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED

7 ~~STATUTORY FORM~~ POWER OF ATTORNEY

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

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

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

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

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

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

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

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

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

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

14           (5) the person in good faith believes that the power is not valid or that  
15 the agent does not have the authority to perform the act requested, whether or  
16 not a certification, a translation, or an opinion of counsel under subsection  
17 4019(d) of this title has been requested or provided; or

18           (6) the person makes, or has actual knowledge that another person has  
19 made, a report to the Adult Protective Services program or other appropriate  
20 entity within the Department of Disabilities, Aging, and Independent Living or  
21 to a law enforcement agency stating a good faith belief that the principal may

1 be subject to physical or financial abuse, neglect, exploitation, or abandonment  
2 by the agent or a person acting for or with the agent.

3 ~~(d)~~(c) A person who refuses in violation of this section to accept an  
4 acknowledged ~~statutory form~~ power of attorney is subject to:

5 (1) a court order mandating acceptance of the power of attorney; and

6 (2) liability for reasonable attorney's fees and costs incurred in any  
7 action or proceeding that confirms the validity of the power of attorney or  
8 mandates acceptance of the power of attorney.

9 Sec. 15. 14 V.S.A. § 4047 is amended to read:

10 § 4047. GIFTS

11 \* \* \*

12 (b) An agent may make a gift of the principal's property only as the agent  
13 determines is consistent with the principal's objectives if actually known by  
14 the agent or, if unknown, as the agent determines is consistent with the  
15 principal's best interests based on all relevant factors, including:

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

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

19 (3) the principal's estate plan;

1           (4) the principal’s foreseeable obligations and maintenance needs and  
2 the impact of the proposed gift on the principal’s housing options, access to  
3 care and services, and general welfare;

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

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

9           (c) ~~An agent may make a gift of the principal’s property only as the agent  
10 determines is consistent with the principal’s objectives if actually known by  
11 the agent and, if unknown, as the agent determines is consistent with the  
12 principal’s best interests based on all relevant factors, including:~~

13           ~~(1) the value and nature of the principal’s property;~~

14           ~~(2) the principal’s foreseeable obligations and need for maintenance;~~

15           ~~(3) minimization of taxes, including income, estate, inheritance,  
16 generation-skipping transfer, and gift taxes;~~

17           ~~(4) eligibility for a benefit, a program, or assistance under a statute or  
18 regulation; and~~

19           ~~(5) the principal’s personal history of making or joining in making gifts.~~

20           [Repealed.]

1 Sec. 16. 14 V.S.A. § 4051 is amended to read:

2 § 4051. STATUTORY FORM POWER OF ATTORNEY

3 A document substantially in the following form may be used to create a  
4 statutory form power of attorney that has the meaning and effect prescribed by  
5 this chapter.

6 VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT  
7 INFORMATION

8 This power of attorney authorizes another person (your agent) to make  
9 decisions concerning your property for you (the principal). Your agent will be  
10 able to make decisions and act with respect to your property (including your  
11 money) whether or not you are able to act for yourself. The meaning of  
12 authority over subjects listed on this form is explained in the Vermont Uniform  
13 Power of Attorney Act, 14 V.S.A. chapter 127.

14 This power of attorney does not authorize the agent to make health-care  
15 decisions for you.

16 You should select someone you trust to serve as your agent. Unless you  
17 specify otherwise, generally the agent's authority will continue until you die or  
18 revoke the power of attorney or the agent resigns or is unable to act for you.  
19 Your agent is entitled to reasonable compensation unless you state otherwise in  
20 the Special Instructions.





1                   DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

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

4           Name of Successor Agent: \_\_\_\_\_

5           Successor Agent’s Address: \_\_\_\_\_

6           Successor Agent’s Telephone Number: \_\_\_\_\_

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

9           Name of Second Successor Agent: \_\_\_\_\_

10          Second Successor Agent’s Address: \_\_\_\_\_

11          Second Successor Agent’s Telephone Number: \_\_\_\_\_

12                   GRANT OF GENERAL AUTHORITY

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

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

21          (↔) Real Property

- 1           ↔ Tangible Personal Property
- 2           ↔ Stocks and Bonds
- 3           ↔ Commodities and Options
- 4           ↔ Banks and Other Financial Institutions
- 5           ↔ Operation of Entity or Business
- 6           ↔ Insurance and Annuities
- 7           ↔ Estates, Trusts, and Other Beneficial Interests
- 8           ↔ Claims and Litigation
- 9           ↔ Personal and Family Maintenance
- 10          ↔ Benefits from Governmental Programs or Civil or Military Service
- 11          ↔ Retirement Plans
- 12          ↔ Taxes
- 13          ↔ ~~All Preceding Subjects~~

14                           GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

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

16   I have INITIALED the specific authority listed below:

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

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

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

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

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

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

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

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

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

18       ( ) Authorize another person to exercise the authority granted under this  
19 power of attorney

20       ( ) Disclaim or refuse an interest in property, including a power of  
21 appointment

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

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

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

6           ( ) Exercise authority with respect to intellectual property, including,  
7 without limitation, copyrights, contracts for payment of royalties, and  
8 trademarks

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

#### 11                                 LIMITATION ON AGENT’S AUTHORITY

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

#### 15                                 WHEN POWER OF ATTORNEY EFFECTIVE

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

18           ( ) This power of attorney is effective only upon my later incapacity. OR

19           ( ) This power of attorney is effective only upon my later incapacity or  
20 unavailability. OR



1 \_\_\_\_\_

2 ~~EFFECTIVE DATE~~

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

5 NOMINATION OF GUARDIAN (OPTIONAL)

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

8 Name of Nominee for [conservator or guardian] of my estate: \_\_\_\_\_

9 Nominee’s Address: \_\_\_\_\_

10 Nominee’s Telephone Number: \_\_\_\_\_

11 Name of Nominee for guardian of my person: \_\_\_\_\_

12 Nominee’s Address: \_\_\_\_\_

13 Nominee’s Telephone Number: \_\_\_\_\_

14 RELIANCE ON THIS POWER OF ATTORNEY

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

19 SIGNATURE AND ACKNOWLEDGMENT

20 Your Name Printed: \_\_\_\_\_

21 Your Address: \_\_\_\_\_

1 Your Telephone Number: \_\_\_\_\_

2 State of: \_\_\_\_\_

3 County of: \_\_\_\_\_

4 This document was acknowledged before me on: \_\_\_\_\_(Date)

5 by \_\_\_\_\_ . (Name of Principal)

6 (Seal, if any): \_\_\_\_\_

7 Signature of Notary: \_\_\_\_\_

8 My commission expires: \_\_\_\_\_

9 **IMPORTANT INFORMATION FOR AGENT**

10 **Agent’s Duties**

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

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

18 (2) act in good faith;

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

20 and

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

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

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

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

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

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

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

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

19 Termination of Agent’s Authority

20 You must stop acting on behalf of the principal if you learn of any event  
21 that terminates this power of attorney or your authority under this power of



1 attorney. Events that terminate a power of attorney or your authority to act  
2 under a power of attorney include:

- 3 (1) death of the principal;
- 4 (2) the principal’s revocation of the power of attorney or your authority;
- 5 (3) the occurrence of a termination event stated in the power of attorney;
- 6 (4) the purpose of the power of attorney is fully accomplished; or
- 7 (5) if you are married to the principal, a legal action is filed with a court  
8 to end your marriage, or for your legal separation, unless the Special  
9 Instructions in this power of attorney state that such an action will not  
10 terminate your authority.

#### 11 Liability of Agent

12 The meaning of the authority granted to you is defined in the Vermont  
13 Uniform Power of Attorney Act, 14 V.S.A. chapter 127. If you violate the  
14 Vermont Uniform Power of Attorney Act, or act outside the authority granted,  
15 you may be liable for any damages caused by your violation. In addition to  
16 civil liability, failure to comply with your duties and authority granted under  
17 this document could subject you to criminal prosecution.

18 If there is anything about this document or your duties that you do not  
19 understand, you should seek legal advice.

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 ~~STRIKE THROUGH~~

6 each type of transaction for which the power of attorney is not given:

7  Sale

8  Purchase or Acquisition

9  Mortgage

10  Finance and/or Mortgage

11  Gift

12  Other \_\_\_\_\_

13 GRANT OF AUTHORITY

14 I/we grant my (our) agent and any alternate successor agent authority

15 named in this power of attorney to act for me/us with respect to a real estate

16 transaction involving the property with the address stated above, including, but

17 not limited to, the powers described in 14 V.S.A. § 4034(2), (3), and (4) as

18 provided in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter

19 127, together with the incidental powers enumerated in section 4033 of that

20 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

1 \_\_\_\_\_  
 2 State of \_\_\_\_\_  
 3 County of \_\_\_\_\_  
 4 This document was acknowledged before me on \_\_\_\_\_ (Date)  
 5 by \_\_\_\_\_  
 6 (Name of Principal)  
 7 \_\_\_\_\_ (Seal, if any)  
 8 Signature of Notary \_\_\_\_\_  
 9 My Commission  
 10 expires: \_\_\_\_\_

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

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

14 § 305. CONVEYANCES EFFECTED THROUGH POWER OF ATTORNEY

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

20 \* \* \*

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

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

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

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

7 (1) 14 V.S.A. chapter 123, if the ELE deed was executed before July 1,  
8 2023; or

9 (2) 14 V.S.A. chapter 127, if the ELE deed was executed on or after July  
10 1, 2023.

11 Sec. 20. 15 V.S.A. § 293 is amended to read:

12 § 293. WHEN PARENTS LIVE SEPARATELY

13 (a) When parents of minor children, or parents and stepparents of minor  
14 children, whether said parents are married or unmarried, are living separately,  
15 on the complaint of either parent or stepparent or, if it is a party in interest, the  
16 Department for Children and Families, the Family Division of the Superior  
17 Court may make such decree concerning parental rights and responsibilities  
18 and parent-child contact (as defined in section 664 of this title), and the support  
19 of the children, as in cases where either parent deserts or without just cause  
20 fails to support the children. Thereafter on the motion of either of the parents,

1 ~~the stepparent, or the Department for Children and Families, the court may~~  
2 ~~annul, vary, or modify the decrees.~~

3 ~~(b) Any legal presumption of parentage as set forth in section 308 of this~~  
4 ~~title 15C V.S.A. § 401 or an unrescinded acknowledgment of parentage signed~~  
5 ~~by the parties and executed in accordance with 15C V.S.A. § 301 shall be~~  
6 ~~sufficient basis for initiating a support action under this section without any~~  
7 ~~further proceedings to establish parentage. If a party raises an objection to the~~  
8 ~~presumption, the court may determine the issue of parentage as part of the~~  
9 ~~support action. If no written objection to the presumption is raised, an order~~  
10 ~~under this section shall constitute a judgment on the issue of parentage.~~

11 ~~[Deleted.]~~

12 ~~Sec. 21. REPEAL~~

13 ~~15 V.S.A. § 294 (man in the house) is repealed. [Deleted.]~~

14 ~~Sec. 22. 15 V.S.A. § 295 is amended to read:~~

15 ~~§ 295. SUBSTITUTE HUSBAND AND FATHER SERVICE OF~~

16 ~~COMPLAINT~~

17 ~~When a complaint is made under section 292, 293 or 294 of this title, a~~  
18 ~~summons shall be issued to the other party directing him to cause his~~  
19 ~~appearance therein to be entered such person to appear not later than 21 days~~  
20 ~~after the date of the service thereof and show cause why the prayer of the~~  
21 ~~complaint should not be granted, which. The summons and the complaint shall~~

1 ~~be served on such the party as provided by section 596 or by section 597 of~~  
2 ~~this title Rule 4.0 of the Vermont Rules for Family Proceedings. After the~~  
3 ~~filing of such the complaint, the Superior Court in which the cause is pending,~~  
4 ~~or any Superior judge, may, on application of either party make such order~~  
5 ~~concerning the care and custody of the minor children during the pendency of~~  
6 ~~the complaint, as is deemed expedient and for the benefit of such children.~~

7 [Deleted.]

8 Sec. 23. 15 V.S.A. § 780(7) is amended to read:

9 (7) “Support order” means any judgment, order, or contract for support  
10 enforceable in this state State, including, but not limited to, orders issued  
11 pursuant to:

12 ~~(A) 15 V.S.A. chapter chapters 5 (relating to desertion and support~~  
13 ~~and parentage), 7 (relating to URESA) or and 11 (relating to annulment and~~  
14 ~~divorce);~~

15 ~~(B) 15B V.S.A. chapters 1–19 (relating to Uniform Interstate Family~~  
16 ~~Support Act); and~~

17 ~~(C) 15C V.S.A. chapters 1–8 (relating to parentage proceedings).~~

18 [Deleted.]

19 Sec. 24. 15 V.S.A. § 558 is amended to read:

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

21 NAME



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

4        Sec. 25. 15 V.S.A. § 788 is amended to read:

5        § 788. PARENT'S RESPONSIBILITY

6        (a) Any parent subject to a child support or parental rights and  
7        responsibilities order shall notify in writing the court ~~which~~ that issued the  
8        most recent order and the Office of Child Support of ~~his or her~~ the parent's  
9        current mailing address and current residence address and of any change in  
10       either address within seven business days of the change, until all obligations to  
11       pay support or support arrearages, or to provide for parental rights and  
12       responsibilities are satisfied. For good cause, the court may keep information  
13       provided under this subsection confidential.

14       (b) When a wage withholding order is in effect, either parent shall notify in  
15       writing the registry of the name and address of a new employer within seven  
16       days of commencing new employment. If the Registry has received  
17       information that a parent has changed employment, it shall notify the other  
18       parent of the fact of the change but shall not disclose the identity or the  
19       location of the employer. On request of a parent, the Registry shall provide  
20       information on the other parent's wages.



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\* \* \*

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

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

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

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

§ 349. CONVEYANCE TO GRANTOR AND OTHERS

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

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

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

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

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

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

9           Sec. 28. 27 V.S.A. § 378 is amended to read:

10           § 378. EFFECT OF RECORDING UNACKNOWLEDGED DEED

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

20           Sec. 29. 27 V.S.A. § 1302 is amended to read:

21           § 1302. DEFINITIONS

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

2 \* \* \*

3 (7) “Common expenses” include:

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

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

8 (C) expenses agreed upon as common expenses by the association of  
9 owners; and

10 (D) expenses declared common expenses by this chapter, or by the  
11 declaration or the bylaws.

12 Sec. 30. 27 V.S.A. § 1470(a) is amended to read:

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

17 Sec. 31. 27 V.S.A. § 1531(b) is amended to read:

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

20 (1) the date of the sale; and

21 (2) a reasonable description of the property.

1 Sec. 32. 27 V.S.A. § 1533(b) is amended to read:

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

5 Sec. 33. 27 V.S.A. § 1552(c) is amended to read:

6 (c) The Administrator shall decide a claim under this section not later than  
7 90 days after it is presented. If the Administrator determines that the other  
8 state is entitled under subsection (a) of this section to custody of the property,  
9 the Administrator shall allow the claim and pay or deliver the property to the  
10 other state.

11 Sec. 34. 27 V.S.A. § 1595(a) is amended to read:

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

21 Sec. 35. REPEAL

1 27 V.S.A. chapter 7, subchapter 4 (congregational churches) is repealed.

2 Sec. 36. CONSTRUCTION OF ACT; PROPERTY INTERESTS NOT  
3 AFFECTED

4 Sec. 35 of this act repeals 27 V.S.A. chapter 7, subchapter 4 for the purpose  
5 of removing the statutory duties and procedures governing the transfer of  
6 property by congregational churches. This act shall not be construed to affect  
7 a religious corporation's rights or property interest in congregational church  
8 property. This act shall not supersede any act of the General Assembly that  
9 vested specific rights or interests in, or established specific procedures for the  
10 transfer of property by, a chartered religious corporation.

11 Sec. 37. 28 V.S.A. § 126 is amended to read:

12 § 126. COORDINATED JUSTICE REFORM ADVISORY COUNCIL

13 \* \* \*

14 (c) Powers and duties. The Coordinated Justice Reform Advisory Council  
15 shall:

16 \* \* \*

17 (5) on or before September 1, 2023 and annually thereafter, recommend  
18 to the Commissioner of Corrections ~~the~~ a new appropriate allocation of not  
19 more than \$900,000.00 from the Justice Reinvestment II line item of the  
20 Department of Corrections' budget for the ~~upcoming~~ next fiscal year to support

1 community-based programs and services, related data collection and analysis  
2 capacity, and other initiatives in accordance with subsection (a) of this section.

3 \* \* \*

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

13 \* \* \*

14 Sec. 38. 28 V.S.A. § 102 is amended to read:

15 § 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;

16 POWERS; RESPONSIBILITIES

17 \* \* \*

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

19 \* \* \*

20 (23) To include the Coordinated Justice Reform Advisory Council's  
21 appropriation recommendations made pursuant to subdivision 126(c)(5) of this



1 title in the Department’s annual proposed budget for the next subsequent fiscal  
2 year for the purposes of developing the State budget required to be submitted  
3 to the General Assembly in accordance with 32 V.S.A. § 306.

4 Sec. 39. 29 V.S.A. § 561 is added to read:

5 § 561. RELEASE OF OIL AND GAS LEASES

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

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

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

18 Sec. 40. 29 V.S.A. § 563 is added to read:

19 § 563. ABANDONMENT OF OIL AND GAS INTERESTS;

20 PRESERVATION

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

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

4             (1) it has been unused for a continuous period of 10 years after July 1,  
5             1973; and

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

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

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

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

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

- 1           (2) oil and gas operations are conducted under the terms of the  
2           instrument creating the oil and gas interest;
- 3           (3) payment is made of rental or royalties for the purpose of delaying the  
4           use or continuing the use of the oil and gas interest;
- 5           (4) payment of taxes is made on the oil and gas interest; or
- 6           (5) there exists a currently valid permit under 10 V.S.A. chapter 151 or a  
7           currently valid drilling permit under this chapter for development of the oil and  
8           gas interest.
- 9           (f) The owner of an interest in oil or gas may file a statement of interest in  
10           the land records of any municipality in which the land affected is located. The  
11           statement shall include a description of the land affected, the nature of the  
12           interest claimed, the book and page of recording of the original grant of the  
13           interest, and the name and address of the person claiming the interest.
- 14           (g) The owner of the surface estate from which an oil and gas interest was  
15           severed may give notice of abandonment under this subsection. Notice shall  
16           contain the name of the record owner of the interest; a description of the land  
17           and the nature of the interest; the book and page of filing of the interest, if it is  
18           filed; the name and address of the person giving notice; and a statement that  
19           the interest is presumed abandoned. The notice shall be published in a  
20           newspaper of general circulation in the town or towns where the land affected  
21           is located. If the address of the owner of the oil and gas interest is shown on

1 record, a copy of the notice shall be mailed to that address by certified or  
2 registered mail within 10 days after the date of publication.

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

12 Sec. 41. 2022 Acts and Resolves No. 165, Secs. 8–10 are amended to read:

13 Sec. 8. [Deleted.]

14 Sec. 9. [Deleted.]

15 Sec. 10. [Deleted.]

16 Sec. 42. 2022 Acts and Resolves No. 165, Sec. 11(d) is amended to read:

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

19 Sec. 43. REPEAL OF DEPARTMENT OF CORRECTIONS PILOT  
20 PROJECT

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

4       Sec. 44. 20 V.S.A. § 4626 is added to read:

5       § 4626. DRONES; OPERATION OVER PRIVATE PROPERTY WITHOUT  
6       CONSENT OF OWNER; CIVIL PENALTY

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

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

19       (c) A person engaged in the business of selling drones shall provide written  
20       notice to each purchaser of a drone required to be registered by the U.S.  
21       Department of Transportation about the requirements under subsections (a) and

1 (b) of this section for flying a drone above privately owned real property  
2 without the property owner’s prior written consent.

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

5 (1) \$50.00 for a first violation; or

6 (2) \$250.00 for a second or subsequent violation.

7 (e) As used in this section:

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

11 (2) “Surveillance” means:

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

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



1 later recording of the deed to the property shall not be subject to the transfer  
2 tax.

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

9 Sec. 47. 32 V.S.A. § 9617 is amended to read:

10 § 9617. NOTICES; APPEALS

11 Unless otherwise provided by this title:

12 \* \* \*

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



1           ~~(B) If the transfer taxed by this chapter was an enhanced life estate~~  
2           ~~interest and that interest is revoked or revised pursuant to 27 V.S.A. chapter 6,~~  
3           ~~the person who paid the tax may petition for a refund, provided that the~~  
4           ~~petition is made within eight years after the date of payment of the tax and~~  
5           ~~within one year after the date of revocation or revision. No petition for a~~  
6           ~~refund shall be granted for the revocation or revision of an interest that~~  
7           ~~occurred eight years or more after the date of payment of the tax. In the case~~  
8           ~~of a revision, the revised enhanced life estate interest transfer shall be subject~~  
9           ~~to tax under this chapter.~~

10          Sec. 48. 27 V.S.A. § 654 is amended to read:

11          § 654. EXECUTION AND RECORDING OF AN ENHANCED LIFE

12                 ESTATE DEED

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

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

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

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

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

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

5 (d) An executed and recorded ELE deed shall be subject to the property  
6 transfer tax ~~under~~ according to the provisions of 32 V.S.A. ~~chapter 234~~  
7 § 9605(c).

8 Sec. 49. EFFECTIVE DATES

9 This act shall take effect on passage, except that:

10 (1) notwithstanding 1 V.S.A. § 214, Sec. 2, 13 V.S.A. § 7282, shall take  
11 effect on passage and shall apply retroactively to July 1, 2023.

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18 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE