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H.878 MISCELLANEOUS JUDICIARY PROCEDURES

SENATE CHANGES TO HOUSE BILL

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

§ 41. COURT SECURITY OFFICERS

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

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

(c) Training; equipment. At the direction of the Court Administrator and with the approval of the Court Security and Safety Program Manager, Judiciary-employed Court Security Officers shall be provided with training and equipment necessary for the performance of their duties. Equipment provided pursuant to this subsection shall remain the property of the Judiciary.

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

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

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

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

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

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

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

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

13 * * *

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

15 § 3087. ~~RECOGNIZANCE FOR TRUSTEE'S COSTS~~

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

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

2 § 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

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

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

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

12 (1) The right to receive a medical forensic examination and any related
13 toxicology testing at no cost to the survivor in accordance with 32 V.S.A.
14 § 1407, irrespective of whether the survivor reports to or cooperates with law
15 enforcement. If the survivor opts to have a medical forensic examination, ~~he~~
16 ~~or she~~ the survivor shall have the following additional rights:

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

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

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

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

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

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

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

17 (ii) be granted further preservation of the kit or its probative
18 contents.

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

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

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

3 (5) The right to information about confidentiality.

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

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

10 § 3401. DEFINITION AND PUNISHMENT OF TREASON

11 A person owing allegiance to this State, who levies war or conspires to levy
12 war against the same, or adheres to the enemies thereof, giving them aid and
13 comfort, within the State or elsewhere, shall be guilty of treason against this
14 State and shall ~~suffer the punishment of death~~ be imprisoned for not less than
15 25 years with a maximum term of life and, in addition, may be fined not more
16 than \$50,000.00.

17 Sec. 8. REPEALS

18 The following sections are repealed: 13 V.S.A. § 7101 (sentence and
19 warrant); 13 V.S.A. § 7102 (pardon); 13 V.S.A. § 7103 (place of execution);
20 13 V.S.A. § 7104 (manner of confinement); 13 V.S.A. § 7105 (persons present

1 at execution); 13 V.S.A. § 7106 (manner of execution); and 13 V.S.A. § 7107
2 (returns of Commissioner).

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

4 § 4056. SERVICE

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

11 (b) A respondent who attends a hearing held under section 4053, 4054, or
12 4055 of this title at which a temporary or final order under this subchapter is
13 issued and who receives notice from the court on the record that the order has
14 been issued shall be deemed to have been served. A respondent notified by the
15 court on the record shall be required to adhere immediately to the provisions of
16 the order. ~~However, even when the court has previously notified the~~
17 ~~respondent of the order, the court shall transmit the order for additional service~~
18 ~~by a law enforcement agency. The clerk shall mail a copy of the order to the~~
19 ~~respondent at the respondent's last known address.~~

20 * * *

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

2 § 4814. ORDER FOR EXAMINATION OF COMPETENCY

3 * * *

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

8 * * *

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

10 § 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

11 * * *

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

18 (f) Introduction of a report under subsection ~~(d)~~ (e) of this section shall not
19 preclude either party or the court from calling the psychiatrist or psychologist
20 who wrote the report as a witness or from calling witnesses or introducing
21 other relevant evidence. Any witness called by either party on the issue of the

1 defendant's competency shall be at the State's expense, or, if called by the
2 court, at the court's expense. Notwithstanding any other provision of law or
3 rule, if called as a witness the psychiatrist or psychologist who wrote the report
4 shall be permitted to provide testimony remotely.

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

6 § 7282. SURCHARGE

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

14 * * *

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

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

1 (C) For any offense or violation committed after June 30, 2009, but
2 before July 1, 2013, \$41.00, of which ~~\$27.50~~ \$23.75 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 (D) For any offense or violation committed after June 30, 2013, but
7 before July 1, 2023, \$47.00, of which ~~\$33.50~~ \$29.75 shall be deposited in the
8 Victims Compensation Special Fund created by section 5359 of this title, and
9 of which ~~\$13.50~~ \$10.00 shall be deposited in the Domestic and Sexual
10 Violence Special Fund created by section 5360 of this title.

11 (E) For any offense or violation committed after June 30, 2023,
12 \$47.00, of which \$33.50 shall be deposited in the Victims Compensation
13 Special Fund created by section 5359 of this title, and of which \$13.50 shall be
14 deposited in the Domestic and Sexual Violence Special Fund created by
15 section 5360 of this title.

16 * * *

17 (c) SIU surcharge. In addition to any penalty or fine imposed by the court
18 ~~or Judicial Bureau~~ for a criminal offense committed after July 1, 2009, the
19 clerk of the court ~~or Judicial Bureau~~ shall levy an additional surcharge of
20 \$100.00 to be deposited in the General Fund, in support of the Specialized

1 Investigative Unit Grants Board created in 24 V.S.A. § 1940(c), and used to
2 pay for the costs of Specialized Investigative Units.

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

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

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

12 § 4020. LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED
13 ~~STATUTORY FORM~~ POWER OF ATTORNEY

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

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

19 (1) a person shall either accept an acknowledged ~~statutory form~~ power
20 of attorney or request a certification, a translation, or an opinion of counsel

1 under subsection 4019(d) of this title not later than seven business days after
2 presentation of the power of attorney for acceptance;

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

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

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

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

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

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

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

20 (5) the person in good faith believes that the power is not valid or that
21 the agent does not have the authority to perform the act requested, whether or

1 not a certification, a translation, or an opinion of counsel under subsection
2 4019(d) of this title has been requested or provided; or

3 (6) the person makes, or has actual knowledge that another person has
4 made, a report to the Adult Protective Services program or other appropriate
5 entity within the Department of Disabilities, Aging, and Independent Living or
6 to a law enforcement agency stating a good faith belief that the principal may
7 be subject to physical or financial abuse, neglect, exploitation, or abandonment
8 by the agent or a person acting for or with the agent.

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

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

12 (2) liability for reasonable attorney’s fees and costs incurred in any
13 action or proceeding that confirms the validity of the power of attorney or
14 mandates acceptance of the power of attorney.

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

16 § 4047. GIFTS

17 * * *

18 (b) An agent may make a gift of the principal’s property only as the agent
19 determines is consistent with the principal’s objectives if actually known by
20 the agent or, if unknown, as the agent determines is consistent with the
21 principal’s best interests based on all relevant factors, including:

1 (1) evidence of the principal’s intent;

2 (2) the principal’s personal history of making or joining in the making
3 of lifetime gifts;

4 (3) the principal’s estate plan;

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

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

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

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

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

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

19 ~~(3) minimization of taxes, including income, estate, inheritance,~~

20 ~~generation skipping transfer, and gift taxes;~~

1 revoke the power of attorney or the agent resigns or is unable to act for you.

2 Your agent is entitled to reasonable compensation unless you state otherwise in
3 the Special Instructions.

4 This form does not revoke powers of attorney previously executed by you
5 unless you initial the introductory paragraph under DESIGNATION OF
6 AGENT that all previous powers of attorney are revoked.

7 This form provides for designation of one agent. If you wish to name more
8 than one agent, you may name a coagent in the Special Instructions. Coagents
9 are not required to act together unless you include that requirement in the
10 Special Instructions.

11 If your agent is unable or unwilling to act for you, your power of attorney
12 will end unless you have named a successor agent. You may also name a
13 second successor agent.

14 This power of attorney becomes effective immediately unless you state
15 otherwise in the Special Instructions.

16 If you have questions about the power of attorney or the authority you are
17 granting to your agent, you should seek legal advice before signing this form.

18 DESIGNATION OF AGENT

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

21 Name of Agent: _____

1 Agent's Address: _____

2 Agent's Telephone Number: _____

3 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

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

6 Name of Successor Agent: _____

7 Successor Agent's Address: _____

8 Successor Agent's Telephone Number: _____

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

11 Name of Second Successor Agent: _____

12 Second Successor Agent's Address: _____

13 Second Successor Agent's Telephone Number: _____

14 GRANT OF GENERAL AUTHORITY

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

19 (~~INITIAL STRIKE THROUGH~~ each subject you DO NOT want to include
20 in the agent's general authority. ~~If you wish to grant general authority over all~~

1 change how your property is distributed at your death. INITIAL ONLY the
2 specific authority you WANT to give your agent.)

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

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

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

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

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

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

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

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

20 () Authorize another person to exercise the authority granted under this
21 power of attorney

1 _____
2 _____
3 _____

4 **EFFECTIVE DATE**

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

7 **NOMINATION OF GUARDIAN (OPTIONAL)**

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

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

11 Nominee’s Address: _____

12 Nominee’s Telephone Number: _____

13 Name of Nominee for guardian of my person: _____

14 Nominee’s Address: _____

15 Nominee’s Telephone Number: _____

16 **RELIANCE ON THIS POWER OF ATTORNEY**

17 Any person, including my agent, may rely upon the validity of this power of
18 attorney or a copy of it unless that person knows it has terminated or is invalid.

19 Unless expressly stated otherwise, this power of attorney is durable and shall
20 remain valid if I become incapacitated or unavailable.

21 **SIGNATURE AND ACKNOWLEDGMENT**

1 Your Name Printed: _____

2 Your Address: _____

3 Your Telephone Number: _____

4 State of: _____

5 County of: _____

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

7 by _____ . (Name of Principal)

8 (Seal, if any): _____

9 Signature of Notary: _____

10 My commission expires: _____

11 **IMPORTANT INFORMATION FOR AGENT**

12 **Agent’s Duties**

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

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

20 (2) act in good faith;

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 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.

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

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

3 (c)(1) 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 (2) No tax shall be due under this chapter on an enhanced life estate
10 interest that is revoked or revised pursuant to 27 V.S.A. chapter 6, provided
11 that, in the case of a revision, the revised enhanced life estate interest transfer
12 shall be subject to tax under this chapter.

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

1 ~~of a revision, the revised enhanced life estate interest transfer shall be subject~~
2 ~~to tax under this chapter.~~

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

4 § 654. EXECUTION AND RECORDING OF AN ENHANCED LIFE

5 ESTATE DEED

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

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

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

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

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

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

19 (d) An executed and recorded ELE deed shall be subject to the property
20 transfer tax ~~under~~ according to the provisions of 32 V.S.A. chapter 231
21 § 9605(c).

1 Sec. 49. 13 V.S.A. § 2606 is amended to read:

2 § 2606. DISCLOSURE OF SEXUALLY EXPLICIT IMAGES WITHOUT
3 CONSENT

4 (a) As used in this section:

5 (1) “Disclose” includes transfer, publish, distribute, exhibit, or
6 reproduce.

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

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

11 (A) genitals;

12 (B) pubic area;

13 (C) anus; or

14 (D) post-pubescent female nipple.

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

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

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

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

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

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

20 (d) This section shall not apply to:

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

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

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

8 (4) Interactive computer services, as defined in 47 U.S.C. § 230(f)(2), or
9 information services or telecommunications services, as defined in 47 U.S.C.
10 § 153, for content solely provided by another person. This subdivision shall
11 not preclude other remedies available at law.

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

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

21 Sec. 50. 15A V.S.A. § 3-504 is amended to read:

1 § 3-504. GROUNDS FOR TERMINATING RELATIONSHIP OF PARENT
2 AND CHILD

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

9 * * *

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

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

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

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

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Sec. 51. Sec. 49. 13 V.S.A. § 3835 is added to read:

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

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

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

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

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

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

(d) As used in this section:

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

(2) “Surveillance” means :

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

4 Sec. 53. INDIVIDUALS WITH INTELLECTUAL DISABILITIES; SECURE,
5 COMMUNITY-BASED RESIDENCES

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

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

17 (c) As used in this section:

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

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

1 **Sec. 54. REPORT; COMPETENCY RESTORATION PROGRAM; FISCAL**
2 **ESTIMATE**

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

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

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

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

18 **Sec. 55. 23 V.S.A. § 941 is amended to read:**

19 **§ 941. INSURANCE AGAINST UNINSURED, UNDERINSURED, OR**
20 **UNKNOWN MOTORIST**

21 * * *

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

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

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

11 * * *

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

16 Sec. 56. 8 V.S.A. § 4203(4) is amended to read:

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

1 such payment, and the insured shall execute all papers required and shall
2 cooperate with the company to secure to the company such rights. However,
3 the right of subrogation against any third party shall not exist or be claimed in
4 favor of the insurer who has paid or reimbursed, to or for the benefit of the
5 insured, medical costs payable pursuant to medical payments coverage.

6 **Sec. 57. APPLICABILITY**

7 Secs. 55 and 56 of this act apply to all automobile insurance policies
8 offered, issued, or renewed on or after January 1, 2025.

9 **Sec. 58. Sec. 1. 18 V.S.A. § 4248 is amended to read:**

10 **§ 4248. RECORDS**

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

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

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

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

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

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

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

2 ~~(7) the date and manner of destruction or disposition of the property~~

3 Annually, on or before December 15, the Department of Public Safety shall

4 report all criminal and civil seizures and forfeitures made by law enforcement

5 agencies under federal and State law to the Senate and House Committees on

6 Judiciary.

7 (b) ~~Those records shall be submitted to the State Treasurer and shall be~~

8 ~~open to inspection by all federal and State departments and agencies charged~~

9 ~~with enforcement of federal and State drug control laws. Persons making final~~

10 ~~disposition or destruction of the property under court order shall report, under~~

11 ~~oath, to the court the exact circumstances of that disposition or destruction and~~

12 ~~a copy of that report shall be sent to the State Treasurer. Law enforcement~~

13 ~~agencies that seize property subject to forfeiture under this subchapter and~~

14 ~~applicable federal drug laws shall maintain complete records for the agency's~~

15 ~~own use and annually submit a report, on or before November 15, to the~~

16 ~~Department of Public Safety information about each seizure, including the~~

17 following:

18 (1) name of the law enforcement agency, State task force, or joint state-

19 federal task force that seized the property;

20 (2) description of the property, including the exact kinds, quantities, and

21 forms of the seized property;

- 1 (3) date and estimated value of the seized property;
- 2 (4) under what suspected crime or authority the property was seized;
- 3 (5) whether the person from whom the property was seized waived
4 ownership as part of an agreement with a prosecutor or law enforcement
5 agency;
- 6 (6) name of the State or federal office, department, or agency
7 responsible prosecuting the any associated criminal case and the criminal
8 charge filed against the person from whom the property was seized or other
9 property owner;
- 10 (7) criminal docket number and court in which the criminal case was
11 filed;
- 12 (8) name of the State or federal office, department, or agency
13 responsible for prosecuting the property's forfeiture;
- 14 (9) civil, administrative or criminal forfeiture docket number and the
15 court in which the forfeiture case was filed;
- 16 (10) whether the property owner defaulted in the civil, administrative or
17 criminal forfeiture case;
- 18 (11) the date and disposition of the property, including whether it was
19 returned to the owner, innocent owner or creditor; partially returned to the
20 owner, innocent owner or creditor; sold, destroyed, retained by a law
21 enforcement agency; or is pending disposition; and

1 (12) 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. 59. APPLICABILITY

1 Notwithstanding 1 V.S.A. § 214, Sec. 58 of this act shall apply retroactively
2 to any seizures occurring on and after January 1, 2024.

3 Sec. 60. EFFECTIVE DATES

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

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

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13 (Committee vote: _____)

14

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Senator _____

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FOR THE COMMITTEE