

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 4  
3 entitled “An act relating to reducing crimes of violence associated with  
4 juveniles and dangerous weapons” respectfully reports that it has considered  
5 the same and recommends that the House propose to the Senate that the bill be  
6 amended by striking out all after the enacting clause and inserting in lieu  
7 thereof the following:

8 Sec. 1. 33 V.S.A. § 5204 is amended to read:

9 § 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR  
10 COURT

11 (a) After a petition has been filed alleging delinquency, upon motion of the  
12 State’s Attorney and after hearing, the Family Division of the Superior Court  
13 may transfer jurisdiction of the proceeding to the Criminal Division of the  
14 Superior Court if the child had attained 16 years of age but not 19 years of age  
15 at the time the act was alleged to have occurred and the delinquent act set forth  
16 in the petition is a felony not specified in subdivisions (1)-(12) of this  
17 subsection or if the child had attained 12 years of age but not 14 years of age at  
18 the time the act was alleged to have occurred, and if the delinquent act set forth  
19 in the petition was any of the following:

20 (1) arson causing death as defined in 13 V.S.A. § 501;

1           (2) assault and robbery with a dangerous weapon as defined in  
2           13 V.S.A. § 608(b);

3           (3) assault and robbery causing bodily injury as defined in 13 V.S.A.  
4           § 608(c);

5           (4) aggravated assault as defined in 13 V.S.A. § 1024;

6           (5) murder as defined in 13 V.S.A. § 2301 and aggravated murder as  
7           defined in 13 V.S.A. § 2311;

8           (6) manslaughter as defined in 13 V.S.A. § 2304;

9           (7) kidnapping as defined in 13 V.S.A. § 2405;

10          (8) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;

11          (9) maiming as defined in 13 V.S.A. § 2701;

12          (10) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);

13          (11) aggravated sexual assault as defined in 13 V.S.A. § 3253 and  
14          aggravated sexual assault of a child as defined in 13 V.S.A. § 3253a; or

15          (12) burglary into an occupied dwelling as defined in 13 V.S.A.

16          § 1201(c).

17                 ~~(13) carrying a firearm while committing a felony in violation of~~

18                 ~~13 V.S.A. § 4005;~~

19                 ~~(14) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,~~

20                 ~~subchapter 1;~~

- 1           ~~(15) human trafficking or aggravated human trafficking in violation of~~  
2           ~~13 V.S.A. § 2652 or 2653;~~
- 3           ~~(16) aggravated stalking as defined in 13 V.S.A. § 1063(a)(3);~~
- 4           ~~(17) an attempt to commit any of the offenses listed in this subsection.~~
- 5           ~~(18) a violation of a condition of release as defined in 13 V.S.A. § 7559~~  
6           ~~imposed by the Criminal Division for any of the offenses listed in this~~  
7           ~~subsection or for any other offense that was transferred from the Family~~  
8           ~~Division pursuant to this section, unless the proceeding is the subject of a final~~  
9           ~~order accepting the case for youthful offender treatment pursuant to subsection~~  
10          ~~5281(d) of this title.~~

11           (b)(1) The State’s Attorney of the county where the juvenile petition is  
12           pending may move in the Family Division of the Superior Court for an order  
13           transferring jurisdiction under subsection (a) of this section at any time prior to  
14           adjudication on the merits. The filing of the motion to transfer jurisdiction  
15           shall automatically stay the time for the hearing provided for in section 5225 of  
16           this title, which stay shall remain in effect until such time as the Family  
17           Division of the Superior Court may deny the motion to transfer jurisdiction.

18           (2)(A) The Family Division of the Superior Court shall hold a hearing  
19           under subsection (c) of this section to determine whether jurisdiction should be  
20           transferred to the Criminal Division under subsection (a) of this section if:

1                    (i) the delinquent act set forth in the petition is carrying a firearm  
2                    while committing a felony in violation of 13 V.S.A. § 4005;

3                    (ii) the petition alleges that the child carried a dangerous weapon  
4                    while committing a felony violation of chapter 84 of Title 18 for selling or  
5                    trafficking a regulated drug; and

6                    (iii) the child had attained 16 years of age but not 19 years of age  
7                    at the time the act was alleged to have occurred.

8                    (B) A transfer hearing required by this subdivision (2) shall occur as  
9                    soon as practicable. The court decision to hold the transfer hearing shall  
10                   automatically stay the time for the hearing provided for in section 5225 of this  
11                   title, which stay shall remain in effect until such time as the Family Division of  
12                   the Superior Court may deny the motion to transfer jurisdiction.

13                   (c) Upon the filing of a motion to transfer jurisdiction under subsection (b)  
14                   subdivision (b)(1) of this section, or in cases where a hearing is required under  
15                   subdivision (b)(2) of this section, the Family Division of the Superior Court  
16                   shall conduct a hearing in accordance with procedures specified in subchapter  
17                   2 of this chapter to determine whether:

18                   (1) there is probable cause to believe that the child committed the  
19                   charged offense; and

1           (2) public safety and the interests of the community would not be served  
2 by treatment of the child under the provisions of law relating to the Family  
3 Division of the Superior Court and delinquent children.

4           (d) In making its determination as required under subsection (c) of this  
5 section, the court may consider, among other matters:

6           (1) the maturity of the child as determined by consideration of the  
7 child's age, home, and environment; emotional, psychological, and physical  
8 maturity; and relationship with and adjustment to school and the community;

9           (2) the extent and nature of the child's prior record of delinquency;

10           (3) the nature of past treatment efforts and the nature of the child's  
11 response to them, including the child's mental health treatment and substance  
12 abuse treatment and needs;

13           (4) the nature and circumstances of the alleged offense, including  
14 whether the alleged offense was committed in an aggressive, violent,  
15 premeditated, or willful manner;

16           (5) the nature of any personal injuries resulting from or intended to be  
17 caused by the alleged act;

18           (6) the prospects for rehabilitation of the child by use of procedures,  
19 services, and facilities available through juvenile proceedings;

1 (7) whether the protection of the community would be better served by  
2 transferring jurisdiction from the Family Division to the Criminal Division of  
3 the Superior Court;

4 (8) the youth's residential housing status;

5 (9) the youth's employment and educational situation;

6 (10) whether the youth has complied with conditions of release;

7 (11) the youth's criminal record and whether the youth has engaged in  
8 subsequent criminal or delinquent behavior since the original charge;

9 (12) whether the youth has connections to the community; and

10 (13) the youth's history of violence and history of illegal or violent  
11 conduct involving firearms.

12 (e) A transfer under this section shall terminate the jurisdiction of the  
13 Family Division of the Superior Court over the child only with respect to those  
14 delinquent acts alleged in the petition with respect to which transfer was  
15 sought.

16 (f)(1) The Family Division, following completion of the transfer hearing,  
17 shall make findings and, if the court orders transfer of jurisdiction from the  
18 Family Division, shall state the reasons for that order. If the Family Division  
19 orders transfer of jurisdiction, the child shall be treated as an adult. The State's  
20 Attorney shall commence criminal proceedings as in cases commenced against  
21 adults.



1       (c)(1) Any proceeding concerning a child who is alleged to have committed  
2       an act specified in subsection 5204(a) of this title after attaining 14 years of  
3       age, but not 22 years of age, shall originate in the Criminal Division of the  
4       Superior Court, provided that jurisdiction may be transferred in accordance  
5       with this chapter and chapter 52A of this title, unless the State's Attorney files  
6       the charge directly as a youthful offender petition in the Family Division.

7       (2)(A) Any proceeding concerning a child who is alleged to have  
8       committed one of the following acts after attaining 14 years of age, but not 22  
9       years of age, shall originate in the Criminal Division of the Superior Court,  
10      provided that jurisdiction may be transferred in accordance with this chapter  
11      and chapter 52A of this title, unless the State's Attorney files the charge  
12      directly as a youthful offender petition in the Family Division:

13           (i) a violation of a condition of release as defined in 13 V.S.A.  
14      § 7559 imposed by the Criminal Division for any of the offenses listed in  
15      subsection 5204(a) of this title; or

16           (ii) a violation of a condition of release as defined in 13 V.S.A.  
17      § 7559 imposed by the Criminal Division for an offense that was transferred  
18      from the Family Division pursuant to section 5204 of this title.

19      (B) This subdivision (2) shall not apply to a proceeding that is the  
20      subject of a final order accepting the case for youthful offender treatment  
21      pursuant to subsection 5281(d) of this title.

1 Sec. 3. 18 V.S.A. § 4252 is amended to read:

2 § 4252. ~~PENALTIES FOR DISPENSING OR SELLING~~ KNOWINGLY  
3 OR RECKLESSLY ~~PERMITTING SALE~~ OR DISPENSING OF  
4 REGULATED DRUGS IN A DWELLING

5 (a) No person shall knowingly ~~or recklessly~~ permit a dwelling, building, or  
6 structure owned by or under the control of the person to be used for the  
7 purpose of illegally ~~dispensing or~~ selling a regulated drug.

8 (b) ~~A landlord shall be in violation of subsection (a) of this section only if~~  
9 ~~the landlord knew at the time he or she signed the lease agreement that the~~  
10 ~~tenant intended to use the dwelling, building, or structure for the purpose of~~  
11 ~~illegally dispensing or selling a regulated drug. [Repealed.]~~

12 (c) A person who violates this section shall be imprisoned not more than  
13 ~~two~~ five years or fined not more than \$1,000.00 ~~\$15,000.00~~, or both.

14 ~~(d) It shall not be a violation of this section if the person who owns or~~  
15 ~~controls the dwelling, building, or structure takes action to address the~~  
16 ~~unlawful activity, including reporting the unlawful activity to law enforcement~~  
17 ~~or initiating eviction proceedings.~~

18 ~~(e) As used in this section, “recklessly” means consciously disregarding a~~  
19 ~~substantial and unjustifiable risk.~~

20 Sec. 4. 13 V.S.A. chapter 60, subchapter 1, is amended to read:

21 Subchapter 1. Criminal Acts

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§ 2659. KNOWINGLY ~~OR RECKLESSLY~~ PERMITTING HUMAN  
TRAFFICKING IN A DWELLING

(a) No person shall knowingly ~~or recklessly~~ permit a dwelling, building, or structure owned by or under the control of the person to be used for the purpose of human trafficking or aggravated human trafficking in violation of section 2652 or 2653 of this title.

(b) A person who violates this section shall be imprisoned not more than ~~two five~~ years or fined not more than ~~\$15,000.00~~ \$1,000.00, or both.

~~(c) It shall not be a violation of this section if the person who owns or controls the dwelling, building, or structure takes action to address the unlawful activity, including reporting the unlawful activity to law enforcement or initiating eviction proceedings.~~

~~(d) As used in this section, “recklessly” means consciously disregarding a substantial and unjustifiable risk.~~

Sec. 5. 13 V.S.A. § 4024 is added to read:

§ 4024. DEFACING OF FIREARM’S SERIAL NUMBER

(a) A person shall not knowingly possess a firearm that has had the importer’s or manufacturer’s serial number removed, obliterated, or altered.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$50,000.00, or both.

1        (c) As used in this section:

2            (1) “Firearm” has the same meaning as in section 4017 of this title.

3            (2) “Importer” means any person engaged in the business of importing  
4 or bringing firearms or ammunition into the United States for purposes of sale  
5 or distribution.

6            (3) “Manufacturer” means any person engaged in the business of  
7 manufacturing firearms or ammunition for purposes of sale or distribution.

8        ~~(d) Conduct constituting the offense of defacing a firearm’s serial number~~  
9 ~~may be considered a violent act for the purposes of determining whether a~~  
10 ~~person is eligible for bail under section 7553a of this title.~~

11        Sec. 6. 13 V.S.A. § 4025 is added to read:

12        § 4025. STRAW PURCHASING OF FIREARMS

13            (a) A person shall not purchase a firearm for, on behalf of, or at the request  
14 of another person if the purchaser knows or reasonably should know that the  
15 other person:

16            (1) is prohibited by state or federal law from possessing a firearm;

17            (2) intends to carry the firearm while committing a felony; or

18            (3) intends to transfer the firearm to another person who:

19            (A) is prohibited by state or federal law from possessing a firearm; or

20            (B) intends to carry the firearm while committing a felony.

1        (b) It shall not be a violation of this section if the person purchased the  
2        firearm as a result of threats or coercion by another person.

3        (c) A person who violates this section shall be imprisoned not more than  
4        five years or fined not more than \$50,000.00, or both.

5        (d) As used in this section, "firearm" has the same meaning as in section  
6        4017 of this title.

7        ~~(e) Conduct constituting the offense of straw purchasing of firearms may~~  
8        ~~be considered a violent act for the purposes of determining whether a person is~~  
9        ~~eligible for bail under section 7553a of this title.~~

10       Sec. 7. 13 V.S.A. § 4017a is added to read:

11       § 4017a. FUGITIVES FROM JUSTICE; PERSONS SUBJECT TO FINAL  
12       RELIEF FROM ABUSE OR STALKING ORDER; PERSONS  
13       CHARGED WITH CERTAIN OFFENSES; PROHIBITION ON  
14       POSSESSION OF FIREARMS

15       (a) A person shall not possess a firearm if the person:

16            (1) is a fugitive from justice;

17            (2) is the subject of a final relief from abuse order issued pursuant to  
18        15 V.S.A. § 1104;

19            (3) is the subject of a final order against stalking issued pursuant to  
20        12 V.S.A. § 5133 if the order prohibits the person from possessing a firearm;

21        or

1           (4) against whom charges are pending for:

2                   (A) carrying a dangerous weapon while committing a felony in  
3 violation of section 4005 of this title;

4                   (B) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,  
5 subchapter 1; or

6                   (C) human trafficking or aggravated human trafficking in violation of  
7 section 2652 or 2653 of this title.

8           (b) A person who violates this section shall be imprisoned not more than  
9 two years or fined not more than \$1,000.00, or both.

10           (c) As used in this section:

11                   (1) "Firearm" has the same meaning as in section 4017 of this title.

12                   (2) "Fugitive from justice" means a person who has fled to avoid  
13 prosecution for a crime or to avoid giving testimony in a criminal proceeding.

14 Sec. 8. 13 V.S.A. § 4005 is amended to read:

15 § 4005. WHILE COMMITTING A CRIME FELONY

16           (a) Except as otherwise provided in 18 V.S.A. § 4253, a person who carries  
17 a dangerous or deadly weapon, openly or concealed, while committing a felony  
18 shall be imprisoned not more than five years or fined not more than \$500.00,  
19 or both.

1 ~~(b)(1) Carrying a firearm while committing a felony in violation of this~~  
2 ~~section may be considered a violent act for the purposes of determining~~  
3 ~~whether a person is eligible for bail under section 7553a of this title.~~

4 ~~(2) An offense that is a felony rather than a misdemeanor solely because~~  
5 ~~of the monetary value of the property involved shall not be considered a~~  
6 ~~violent act under this subsection.~~

7 Sec. 9. 33 V.S.A. § 5117 is amended to read:

8 § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

9 (a) Except as otherwise provided, court and law enforcement reports and  
10 files concerning a person subject to the jurisdiction of the court shall be  
11 maintained separate from the records and files of other persons. Unless a  
12 charge of delinquency is transferred for criminal prosecution under chapter 52  
13 of this title or the court otherwise orders in the interests of the child, such  
14 records and files shall not be open to public inspection nor their contents  
15 disclosed to the public by any person. However, upon a finding that a child is  
16 a delinquent child by reason of commission of a delinquent act that would have  
17 been a felony if committed by an adult, the court, upon request of the victim,  
18 shall make the child's name available to the victim of the delinquent act. If the  
19 victim is incompetent or deceased, the child's name shall be released, upon  
20 request, to the victim's guardian or next of kin.

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1 (d) Such records and files shall be available to:

2 (1) State's Attorneys and all other law enforcement officers in  
3 connection with record checks and other legal purposes; and

4 (2) the National Instant Criminal Background Check System in  
5 connection with a background check conducted on a person under ~~21~~ 22 years  
6 of age pursuant to 18 U.S.C. § 922(t)(1)(C) and 34 U.S.C. § 40901(l).

7 \* \* \*

8 Sec. 10. 18 V.S.A. § 13 is added to read:

9 § 13. COMMUNITY VIOLENCE PREVENTION PROGRAM

10 (a)(1) There is established the Community Violence Prevention Program to  
11 be administered by the Department of Health in consultation and collaboration  
12 with the Chief Prevention Officer, the Department of Public Safety, the  
13 Director of Violence Prevention, the Executive Director of Racial Equity, and  
14 the Council for Equitable Youth Justice. The Program shall work with  
15 communities to implement innovative, evidence-based, and evidence-informed  
16 programs addressing causes of youth and community violence.

17 (2) Grants awarded pursuant to this section shall be at the discretion of  
18 the Commissioner of Health and shall:

19 (A) build on and complement existing programs addressing the  
20 causes of youth and community violence; and

1           (B) be for the purpose of funding efforts that address violence and  
2 associated community harm using approaches that may include the following:

3           (i) best available research evidence;

4           (ii) experiential evidence;

5           (iii) contextual evidence;

6           (iv) lived experience of impacted communities;

7           (v) trauma-responsive programming; and

8           (vi) other qualitative or quantitative factors that may inform the  
9 decision-making of the Commissioner.

10           (b)(1) A Vermont municipality or nonprofit organization may submit an  
11 application for a Community Violence Prevention Program grant to the  
12 Commissioner of Health. Grants awarded under this section shall be for the  
13 purpose of funding innovative, evidence-based, or evidence-informed  
14 approaches to reducing violence and associated community harm.

15           (2) The Commissioner of Health, in consultation with the Department of  
16 Public Safety and the Executive Director of Racial Equity, shall develop and  
17 publish guidelines, for the award of Community Violence Prevention grants.  
18 The guidelines shall include a focus on increasing community capacity to  
19 implement approaches for human services, public health, and public safety  
20 collaboration to address root causes of community violence and substance use  
21 through data-driven projects.

1       (c) The Community Violence Prevention Program shall collect data to  
2       monitor youth and community violence and its related risk and protective  
3       factors and to evaluate the impact of prevention efforts and shall use the data to  
4       plan and implement programs. The Program shall use monitoring and  
5       evaluation data to track the impact of interventions.

6       Sec. 11. APPROPRIATION

7       (a) Grants awarded from State funds to the Community Violence  
8       Prevention Program established by 18 V.S.A. § 13 shall be dependent upon the  
9       amount of the appropriation.

10       (b) The Department of Health is authorized to seek and accept grant  
11       funding for the purpose of supporting the Community Violence Prevention  
12       Program to supplement State appropriations.

13       (c) If funding is available for the Community Violence Prevention Program  
14       from federal grants or legal settlements related to drug use or criminal activity:

15               (1) such federal or settlement funds shall be utilized first for the  
16       Program; and

17               (2) an amount of the General Fund appropriation made under subsection  
18       (a) of this section equal to the total amount of federal grants or legal  
19       settlements received by the Program shall be reverted to the General Fund.

20       Sec. 12. 2018 Acts and Resolves No. 201, Sec. 21, as amended by 2022 Acts  
21       and Resolves No. 160, Sec. 1, is further amended to read:



1 transfer from the Family Division to the Criminal Division is permitted under  
2 33 V.S.A. § 5204(a) should be expanded to include:

3 (1) first degree arson as defined in 13 V.S.A. § 502 or second degree  
4 arson as defined in 13 V.S.A. § 503;

5 (2) stalking as defined in 13 V.S.A. § 1062;

6 (3) domestic assault as defined in 13 V.S.A. § 1042, first degree  
7 aggravated domestic assault as defined in 13 V.S.A. § 1043, and second degree  
8 aggravated domestic assault as defined in 13 V.S.A. § 1044;

9 (4) selling or dispensing a regulated drug with death resulting as defined  
10 in 18 V.S.A. § 4250;

11 (5) using a firearm while selling or dispensing a drug as defined in  
12 18 V.S.A. § 4253;

13 (6) carrying a dangerous or deadly weapon while committing a felony as  
14 defined in 13 V.S.A. § 4005;

15 (7) lewd or lascivious conduct as defined in 13 V.S.A. § 2601 or lewd or  
16 lascivious conduct with a child as defined in 13 V.S.A. § 2602;

17 (8) eluding a police officer with serious bodily injury or death resulting  
18 as defined in 23 V.S.A. § 1133(b);

19 (9) willful and malicious injuries caused by explosives as defined in  
20 13 V.S.A. § 1601, injuries caused by destructive devices as defined in

1 13 V.S.A. § 1605, or injuries caused by explosives as defined in 13 V.S.A.

2 § 1608;

3 (10) grand larceny as defined in 13 V.S.A. § 2501 or larceny from the  
4 person as defined in 13 V.S.A. § 2503;

5 (11) operating vehicle under the influence of alcohol or other substance  
6 with either death or serious bodily injury resulting as defined in 23 V.S.A.

7 § 1210(f) and (g);

8 (12) careless or negligent operation resulting in serious bodily injury or  
9 death as defined in 23 V.S.A. § 1091(b);

10 (13) leaving the scene of an accident with serious bodily injury or death  
11 as defined in 23 V.S.A. § 1128(b) or (c);

12 (14) a hate-motivated crime as defined in 13 V.S.A. § 1455;

13 (15) conspiracy as defined in 13 V.S.A. § 1404; ~~or~~

14 (16) a violation of an abuse prevention order as defined in 13 V.S.A.  
15 § 1030 or violation of an order against stalking or sexual assault as defined in

16 12 V.S.A. § 5138;

17 (17) carrying a firearm while committing a felony in violation of  
18 13 V.S.A. § 4005;

19 (18) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,  
20 subchapter 1;

- 1           (19) human trafficking or aggravated human trafficking in violation of
- 2           13 V.S.A. § 2652 or 2653;
- 3           (20) aggravated stalking as defined in 13 V.S.A. § 1063(a)(3); or
- 4           (21) an attempt to commit any of the offenses listed in this section.

5           Sec. 16. SEVERABILITY

6           As set forth in 1 V.S.A. § 215, the provisions of this act are severable, and if  
7           a court finds any provision of this act to be invalid, or if any application of this  
8           act to any person or circumstance is invalid, the invalidity shall not affect other  
9           provisions or applications that can be given effect without the invalid provision  
10           or application.

11           Sec. 17. EFFECTIVE DATE

12           This act shall take effect on passage.

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

19           \_\_\_\_\_

20           Representative \_\_\_\_\_

21           FOR THE COMMITTEE