1	TO THE HONORABLE SENATE:
2	The Committee on Judiciary to which was referred Senate Bill No. 58
3	entitled "An act relating to increasing the penalties for subsequent offenses for
4	trafficking and dispensing or sale of a regulated drug with death resulting"
5	respectfully reports that it has considered the same and recommends that the
6	bill be amended by striking out all after the enacting clause and inserting in
7	lieu thereof the following:
8	* * * Drug Crimes * * *
9	Sec. 1. 18 V.S.A. § 4201 is amended to read:
10	§ 4201. DEFINITIONS
11	* * *
12	(29) "Regulated drug" means:
13	(A) a narcotic drug;
14	(B) a depressant or stimulant drug, other than methamphetamine;
15	(C) a hallucinogenic drug;
16	(D) Ecstasy;
17	(E) cannabis; or
18	(F) methamphetamine; or
19	(G) xylazine.
20	* * *

1	(48) "Fentanyl" means any quantity of fentanyl, including any
2	compound, mixture, or preparation including salts, isomers, or salts of isomers
3	containing fentanyl. "Fentanyl" also means fentanyl-related substances as
4	defined in rules adopted by the Department of Health pursuant to section 4202
5	of this title.
6	(49) "Knowingly" means actual knowledge that one or more
7	preparations, compounds, mixtures, or substances contains the regulated drug
8	identified in the applicable section of this chapter, or consciously ignoring a
9	substantial risk that one or more preparations, compounds, mixtures, or
10	substances contains the regulated drug identified in the applicable section of
11	this chapter.
12	(50) "Xylazine" means any compound, mixture, or preparation
13	including salts, isomers, or salts of isomers containing N-(2,6-
14	dimethylphenyl)-5,6-dihydro-4H-1,3-thiazin-2-amine.
15	Sec. 2. 18 V.S.A. § 4233b is added to read:
16	§ 4233b. XYLAZINE
17	(a)(1) It is unlawful for any person to engage in any of the following illicit
18	uses of xylazine:
19	(A) any use in the human species; or
20	(B) any use that is not a licit use.
21	(2) Licit use of xylazine means:

1	(A) any administration to nonhuman species:
2	(i) of a drug containing xylazine that has been approved by the
3	U.S. Secretary of Health and Human Services under section 512 of the Federal
4	Food, Drug, and Cosmetic Act, 21 U.S.C. § 360b; or
5	(ii) that is permissible under section 512(a)(4) of the Federal Food,
6	Drug, and Cosmetic Act, 21 U.S.C. § 360b(a)(4);
7	(B) the manufacturing, importation, or use of xylazine as an active
8	pharmaceutical ingredient for manufacturing an animal drug approved under
9	section 512 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360b or
10	issued an investigation use exemption under subsection (j) of section 512;
11	(C) the manufacturing, importation, or use of a xylazine bulk
12	chemical for pharmaceutical compounding by licensed pharmacists or
13	veterinarians; or
14	(D) another use approved or permissible under the Federal Food,
15	Drug, and Cosmetic Act, as provided in 21 U.S.C. § 301 et seq.
16	(b) A person knowingly and unlawfully dispensing xylazine shall be
17	imprisoned not more than three years or fined not more than \$75,000.00, or
18	both. A person knowingly and unlawfully selling xylazine shall be imprisoned
19	not more than five years or fined not more than \$100,000.00, or both.

1	Sec. 3. 18 V.S.A. § 4250 is amended to read:
2	§ 4250. SELLING OR DISPENSING A REGULATED DRUG WITH
3	DEATH RESULTING
4	(a) If the death of a person results from the selling or dispensing of a
5	regulated drug to the person in violation of this chapter, the person convicted
6	of the violation shall be imprisoned not less than two years nor more than
7	20 years.
8	(b) This section shall apply only if the person's use of the regulated drug is
9	the proximate cause of his or her the person's death. The fact that a dispensed
10	or sold substance contains more than one regulated drug shall not be a defense
11	under this section if the proximate cause of death is the use of the dispensed or
12	sold substance containing more than one regulated drug. There shall be a
13	permissive inference that the proximate cause of death is the person's use of
14	the regulated drug if the regulated drug contains fentanyl.
15	(c)(1) Except as provided in subdivision (2) of this subsection, the two-year
16	minimum term of imprisonment required by this section shall be served and
17	may not be suspended, deferred, or served as a supervised sentence. The
18	defendant shall not be eligible for probation, parole, furlough, or any other type
19	of early release until the expiration of the two-year term of imprisonment.
20	(2) Notwithstanding subdivision (1) of this subsection, the court may
21	impose a sentence that does not include a term of imprisonment or that

1	includes a term of imprisonment of less than two years if the court makes
2	written findings on the record that the sentence will serve the interests of
3	justice.
4	Sec. 4. 18 V.S.A. § 4252a is added to read:
5	§ 4252a. UNLAWFUL DRUG ACTIVITY IN A DWELLING; FLASH
6	CITATION; CONDITIONS OF RELEASE
7	(a) Except for good cause shown, a person cited or arrested for dispensing
8	or selling a regulated drug in violation of this chapter shall be arraigned on the
9	next business day after the citation or arrest if the alleged illegal activity
10	occurred at a dwelling where the person is not a legal tenant.
11	(b) Unless the person is held without bail for another offense, the State's
12	Attorney shall request conditions of release for a person subject to subsection
13	(a) of this section. The court may include as a condition of release that the
14	person is prohibited from coming within a fixed distance of the dwelling.
15	* * * Eviction process based on tenant's criminal activity, illegal drug activity,
16	or acts of violence * * *
17	Sec. 5. 9 V.S.A. § 4467 is amended to read:
18	§ 4467. TERMINATION OF TENANCY; NOTICE
19	* * *
20	(b) Termination for breach of rental agreement.

1	(1) The landlord may terminate a tenancy for failure of the tenant to
2	comply with a material term of the rental agreement or with obligations
3	imposed under this chapter by actual notice given to the tenant at least 30 days
4	prior to the termination date specified in the notice.
5	(2) When termination is based on criminal activity, illegal drug activity,
6	or acts of violence, any of which threaten the health or safety of other
7	residents, the landlord may terminate the tenancy by providing actual notice to
8	the tenant of the date on which the tenancy will terminate, which shall be at
9	least 14 seven days from the date of the actual notice.
10	* * *
11	Sec. 6. 9 V.S.A. § 4468 is amended to read:
12	§ 4468. TERMINATION OF TENANCY; ACTION FOR POSSESSION
13	(a) If the tenant remains in possession after termination of the rental
14	agreement without the express consent of the landlord, the landlord may bring
15	an action for possession, damages, and costs under 12 V.S.A. chapter 169,
16	subchapter 3.
17	(b) An action against a tenant for possession based on the tenant's criminal
18	activity, illegal drug activity, or acts of violence under subdivision 4467(b)(2)
19	of this title shall be subject to the expedited eviction process under 12 V.S.A.
20	§ 4857.

1	Sec. 7. 12 V.S.A. § 4857 is added to read:
2	§ 4857. EVICTION BASED ON CRIMINAL ACTIVITY, ILLEGAL DRUG
3	ACTIVITY, OR ACTS OF VIOLENCE; EXPEDITED PROCESS
4	For any action against a tenant for possession based on the tenant's criminal
5	activity, illegal drug activity, or acts of violence under 9 V.S.A. § 4467(b)(2), a
6	tenant shall:
7	(1) answer the summons and complaint within 10 days after being
8	served; and
9	(2) file any counterclaims within 14 days after being served.
10	Sec. 8. 12 V.S.A. § 4854 is amended to read:
11	§ 4854. JUDGMENT FOR PLAINTIFF; WRIT OF POSSESSION
12	(a) If the court finds that the plaintiff is entitled to possession of the
13	premises, the plaintiff shall have judgment for possession and rents due,
14	damages, and costs, and when a written rental agreement so provides, the court
15	may award reasonable attorney's fees.
16	(b) A writ of possession shall issue on the date judgment is entered, unless
17	the court for good cause orders a stay. The writ shall direct the sheriff of the
18	county in which the property or a portion thereof is located to serve the writ
19	upon the defendant and, not earlier than 14 days after the writ is served, to put
20	the plaintiff into possession.

1	(c) Notwithstanding subsection (b) of this section, if the basis for
2	termination of the tenancy giving rise to the eviction action was the tenant's
3	criminal activity, illegal drug activity, or acts of violence under 9 V.S.A.
4	§ 4467(b)(2), the writ of possession shall direct the sheriff to put the plaintiff
5	into possession not earlier than seven days after the writ is served.
6	* * * Transfer of Cases from Family Division * * *
7	Sec. 9. 33 V.S.A. § 5204 is amended to read:
8	§ 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
9	COURT
10	(a) After a petition has been filed alleging delinquency, upon motion of the
11	State's Attorney and after hearing, the Family Division of the Superior Court
12	may transfer jurisdiction of the proceeding to the Criminal Division of the
13	Superior Court if the child had attained 16 years of age but not 19 years of age
14	at the time the act was alleged to have occurred and the delinquent act set forth
15	in the petition is a felony not specified in subdivisions (1)–(12) of this
16	subsection or if the child had attained 12 years of age but not 14 years of age at
17	the time the act was alleged to have occurred, and if the delinquent act set forth
18	in the petition was any of the following:
19	* * *

1	(11) aggravated sexual assault as defined in 13 V.S.A. § 3253 and
2	aggravated sexual assault of a child as defined in 13 V.S.A. § 3253a or an
3	attempt to commit either of those offenses; or
4	(12) burglary into an occupied dwelling as defined in a currently
5	occupied dwelling in violation of 13 V.S.A. § 1201(c) or an attempt to commit
6	that offense;
7	(13) using a firearm while committing a felony in violation of 13 V.S.A.
8	<u>§ 4005;</u>
9	(14) trafficking a regulated drug in violation of 18 V.S.A. chapter 84,
10	subchapter 1;
11	(15) human trafficking or aggravated human trafficking in violation of
12	13 V.S.A. § 2652 or 2653, unless:
13	(A) the offender is a victim of human trafficking as defined in
14	13 V.S.A. § 2658(a)(2); or
15	(B) a law enforcement agency, a State's Attorneys' office, or the
16	Office of the Attorney General has notified the Victim's Compensation
17	Program at the Center for Crime Victims Services Unit pursuant to 13 V.S.A.
18	§ 2663(a)(1) that the person reasonably appears to be a victim of human
19	trafficking; or
20	(16) aggravated stalking as defined in 13 V.S.A. § 1063(a)(3).

1	* * * Effective Date * * *
2	Sec. 10. EFFECTIVE DATE
3	This act shall take effect on July 1, 2024.
4	and that after passage the title of the bill be amended to read: "An act
5	relating to"
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11	
12	(Committee vote:)
13	
14	Senator
15	FOR THE COMMITTEE