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H.2

Introduced by Representatives LaLonde of South Burlington, Arsenault of
Williston, Dolan of Essex Junction, and Rachelson of
Burlington

Referred to Committee on

Date:

Subject: Delinquency proceedings; minimum age

Statement of purpose of bill as introduced: This bill proposes to increase the
minimum age at which a child may be subject to juvenile delinquency
proceedings from 10 to 12.

An act relating to increasing the minimum age for delinquency proceedings

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 33 V.S.A. § 5102 is amended to read:~~

~~§ 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION~~

~~As used in the juvenile judicial proceedings chapters:~~

~~* * *~~

~~(2) "Child" means any of the following:~~

1 ~~(C) An individual who has been alleged to have committed or has~~
2 committed an act of delinquency after becoming ~~10~~ 12 years of age and prior
3 to becoming 22 years of age, unless otherwise provided in chapter 52 or 52A
4 of this title; provided, however:

5 (i) that an individual who is alleged to have committed an act
6 before attaining ~~10~~ 12 years of age that would be murder as defined in
7 13 V.S.A. § 2301 if committed by an adult may be subject to delinquency
8 proceedings; and

9 (ii) that an individual may be considered a child for the period of
10 time the court retains jurisdiction under section 5104 of this title.

11 * * *

12 Sec. 2. EFFECTIVE DATE

13 ~~This act shall take effect on passage.~~

** * * Family Division Delinquency Jurisdiction * * **

Sec. 1. 33 V.S.A. § 5102 is amended to read:

§ 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION

As used in the juvenile judicial proceedings chapters:

** * **

(2) "Child" means any of the following:

** * **

(C) an individual who has been alleged to have committed or has committed an act of delinquency after becoming ~~10~~ 12 years of age and prior to becoming 22 years of age, unless otherwise provided in chapter 52 or 52A of this title; provided, however:

~~(i) that an individual who is alleged to have committed an act before attaining 10 years of age that would be murder as defined in 13 V.S.A. § 2301 if committed by an adult may be subject to delinquency proceedings; and~~

~~(ii) that an individual may be considered a child for the period of time the court retains jurisdiction under section 5104 of this title.~~

* * *

Sec. 2. 33 V.S.A. § 5103(c) is amended to read:

(c)(1) Except as otherwise provided by this title and by subdivision (2) of this subsection, jurisdiction over a child shall not be extended beyond the child's 18th birthday.

(2)(A) Jurisdiction over a child with a delinquency may be extended until six months beyond the child's:

(i) ~~19th~~ 20th birthday if the child was 16 or 17 years of age when ~~he or she~~ the child committed the offense; or

(ii) ~~20th~~ 21st birthday if the child was 18 years of age when ~~he or she~~ the child committed the offense.

* * *

** * * Raise the Age * * **

Sec. 3. 2024 Acts and Resolves No. 125, Secs. 7–11 are amended to read:

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

Sec. 9. [Deleted.]

Sec. 10. [Deleted.]

Sec. 11. [Deleted.]

Sec. 4. 2024 Acts and Resolves No. 125, Sec. 21 is amended to read:

Sec. 21. EFFECTIVE DATES

** * **

(b) Secs. 7–11 shall take effect on April 1, 2025. [Deleted.]

Sec. 5. 33 V.S.A. § 5201(d) is amended to read:

(d) Any proceeding concerning a child who is alleged to have committed any offense other than those specified in subsection 5204(a) of this title or subdivision (c)(2) or (3) of this section before attaining ~~19~~ 20 years of age shall originate in the Family Division of the Superior Court, provided that jurisdiction may be transferred in accordance with this chapter.

Sec. 6. 33 V.S.A. § 5203 is amended to read:

§ 5203. TRANSFER FROM OTHER COURTS

(a) If it appears to a Criminal Division of the Superior Court that the defendant was under ~~19~~ 20 years of age at the time the offense charged was

alleged to have been committed and the offense charged is an offense not specified in subsection 5204(a) or subdivision 5201(c)(2) or (3) of this title, that court shall forthwith transfer the proceeding to the Family Division of the Superior Court under the authority of this chapter, and the minor shall then be considered to be subject to this chapter as a child charged with a delinquent act.

* * *

(c) If it appears to the State's Attorney that the defendant was under ~~19~~ 20 years of age at the time the felony offense charged was alleged to have been committed and the felony charged is not an offense specified in subsection 5204(a) or subdivision 5201(c)(2) or (3) of this title, the State's Attorney shall file charges in the Family Division of the Superior Court, pursuant to section 5201 of this title. The Family Division may transfer the proceeding to the Criminal Division pursuant to section 5204 of this title.

* * *

Sec. 7. 33 V.S.A. § 5204 is amended to read:

*§ 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
COURT*

(a) After a petition has been filed alleging delinquency, upon motion of the State's Attorney and after hearing, the Family Division of the Superior Court may transfer jurisdiction of the proceeding to the Criminal Division of the

Superior Court if the child had attained 16 years of age but not ~~19~~ 20 years of age at the time the act was alleged to have occurred and the delinquent act set forth in the petition is a felony not specified in subdivisions (1)–(11) of this subsection or if the child had attained 12 years of age but not 14 years of age at the time the act was alleged to have occurred, and if the delinquent act set forth in the petition was any of the following:

** * **

Sec. 8. 33 V.S.A. § 5103(c) is amended to read:

(c)(1) Except as otherwise provided by this title and by subdivision (2) of this subsection, jurisdiction over a child shall not be extended beyond the child's 18th birthday.

(2)(A) Jurisdiction over a child with a delinquency may be extended:

(i) until six months beyond the child's:

(i)(I) 20th birthday if the child was 16 or 17 years of age when the child committed the offense; or

(i)(II) 21st birthday if the child was 18 years of age when the child committed the offense; or

(ii) until the child's 22nd birthday if the child was 19 years of age when the child committed the offense.

** * **

Sec. 9. 33 V.S.A. § 5206 is amended to read:

§ 5206. CITATION OF 16- TO ~~18-YEAR-OLDS~~ 19-YEAR-OLDS

(a)(1) If a child was over 16 years of age and under ~~19~~ 20 years of age at the time the offense was alleged to have been committed and the offense is not specified in subsection (b) of this section, law enforcement shall cite the child to the Family Division of the Superior Court.

** * **

Sec. 10. AGENCY OF HUMAN SERVICES PROGRESS REPORTS

(a) On or before July 1, 2026 and December 1, 2026, the Agency of Human Services shall report to the Joint Legislative Justice Oversight Committee, the Senate and House Committees on Judiciary, the House Committee on Corrections and Institutions, the Senate Committee on Institutions, the House Committee on Human Services, and the Senate Committee on Health and Welfare on its progress toward implementing the requirement of this act that the Raise the Age initiative take effect on July 1, 2027. The progress reports required by this section shall describe progress toward implementation of the Raise the Age initiative, as measured by qualitative and quantitative data related to the following priorities:

(1) establishing a secure residential facility;

(2) expanding capacity for nonresidential treatment programs to provide community-based services;

(3) ensuring that residential treatment programs are used appropriately and to their full potential;

(4) expanding capacity for Balanced and Restorative Justice (BARJ) contracts;

(5) expanding capacity for the provision of services to children with developmental disabilities;

(6) establishing a stabilization program for children who are experiencing a mental health crisis;

(7) enhancing long-term treatment for children;

(8) programming to help children, particularly 18- and 19-year-olds, transition to adulthood;

(9) developing district-specific data and information on family services workforce development, including turnover, retention, and vacancy rates; times needed to fill open positions; training opportunities and needs; and instituting a positive culture for employees;

(10) installation of a comprehensive child welfare information system;
and

(11) plans for and measures taken to secure funding for the goals listed in this section.

(b) The report required by this section shall provide utilization data for the Red Clover Treatment Facility, including how many youths utilize the Facility

on a monthly and annual basis, the length of stay, the treatment needs of the youths who are placed at the Facility, racial and gender demographic data for youths who are placed at the Facility, and any other data deemed relevant by the Department.

(c) Failure to meet one or more of the progress report elements listed in subsection (a) of this section shall not be a basis for extending the implementation of the Raise the Age initiative beyond July 1, 2027.

** * * Effective Dates * * **

Sec. 11. EFFECTIVE DATES; APPLICABILITY

(a) Secs. 1, 2, and 10 shall take effect on July 1, 2025.

(b) Secs. 3 and 4 and this section shall take effect on March 31, 2025.

(c) Secs. 5–9 shall take effect on July 1, 2027.