

1 H.780
2 Introduced by Representatives Dobrovich of Williamstown, Bosch of
3 Clarendon, Boutin of Barre City, Burtt of Cabot, Coffin of
4 Cavendish, Galfetti of Barre Town, Goslant of Northfield,
5 Howland of Rutland Town, Keyser of Rutland City, Kleppner
6 of Burlington, Luneau of St. Albans City, Maguire of Rutland
7 City, Morgan, M. of Milton, Nelson of Derby, Nielsen of
8 Brandon, Pinsonault of Dorset, Southworth of Walden,
9 Tagliavia of Corinth, and Wells of Brownington

10 Referred to Committee on

11 Date:

12 Subject: Criminal procedures; sentencing; mandatory minimums
13 Statement of purpose of bill as introduced: This bill proposes to establish
14 mandatory minimum sentences of incarceration for retail theft and drug
15 trafficking.

16 An act relating to establishing mandatory minimum sentences of
17 incarceration for retail theft and drug trafficking

18 It is hereby enacted by the General Assembly of the State of Vermont:
19 Sec. 1. 13 V.S.A. chapter 57, subchapter 4 is amended to read:
20 Subchapter 4. Shoplifting

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2 § 2575. OFFENSE OF RETAIL THEFT

3 A person commits the offense of retail theft when the person, with intent of
4 depriving a merchant wrongfully of the lawful possession of merchandise,
5 money, or credit:

6 (1) takes and carries away or causes to be taken and carried away or aids
7 and abets the carrying away of any merchandise from a retail mercantile
8 establishment without paying the retail value of the merchandise; or

9 * * *

10 § 2577. PENALTY

11 (a) A person convicted of the offense of retail theft of merchandise having
12 a retail value not in excess of \$250.00 shall be punished by a fine of not more
13 than \$500.00 or imprisonment for not more than 30 days, or both.

14 (b) A person convicted of the offense of retail theft of merchandise having
15 a retail value in excess of \$250.00 and not in excess of \$900.00 shall:

16 (1) for a first offense, be punished by a fine of not more than \$500.00 or
17 imprisonment for not more than six months, or both;

18 (2) for a second offense, be punished by a fine of not more than
19 \$1,000.00 or imprisonment for not more than two years, if the second offense
20 occurs not more than two years after the first offense;

1 punished pursuant to subdivision (1) of this subsection, provided that at least
2 12 consecutive months of the sentence of imprisonment shall be served and
3 may not be suspended or deferred or served as a supervised sentence.

4 * * *

5 Sec. 2. 18 V.S.A. § 4238 is amended to read:

6 **§ 4238. SECOND AND SUBSEQUENT OFFENSES: MANDATORY**

7 **MINIMUMS FOR TRAFFICKING OFFENSES**

8 (a) A person convicted of a second or subsequent offense of violating
9 section 4228, 4230, 4231, 4232, 4233, 4234, 4235, 4236, or 4237 of this title,
10 except a violation of subdivision 4230(a)(1), shall be subject to a term of
11 imprisonment or fined up to twice that authorized by those sections, or both.

12 (b) A person convicted of trafficking cannabis in violation of subsection
13 4230(c) of this title, trafficking cocaine in violation of subsection 4231(c) of
14 this title, trafficking heroin in violation of subsection 4233(c) of this title,
15 trafficking fentanyl in violation of subsection 4233a(b) of this title, or
16 trafficking methamphetamine in violation of subsection 4234a(c) of this title
17 shall be subject to the following mandatory minimum sentences:

18 (1) At least 12 consecutive months of the sentence of imprisonment
19 shall be served and may not be suspended or deferred or served as a supervised
20 sentence.

1 (2) At least 24 consecutive months of the sentence of imprisonment
2 shall be served and may not be suspended or deferred or served as a supervised
3 sentence if the violation causes death or serious bodily injury to any person.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on passage.