

H.780

Introduced by Representatives Dobrovich of Williamstown, Bosch of
Clarendon, Boutin of Barre City, Burt of Cabot, Coffin of
Cavendish, Galfetti of Barre Town, Goslant of Northfield,
Howland of Rutland Town, Keyser of Rutland City, Kleppner
of Burlington, Luneau of St. Albans City, Maguire of Rutland
City, Morgan, M. of Milton, Nelson of Derby, Nielsen of
Brandon, Pinsonault of Dorset, Southworth of Walden,
Tagliavia of Corinth, and Wells of Brownington

Referred to Committee on

Date:

Subject: Criminal procedures; sentencing; mandatory minimums

Statement of purpose of bill as introduced: This bill proposes to establish
mandatory minimum sentences of incarceration for retail theft and drug
trafficking.

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

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

Sec. 1. 13 V.S.A. chapter 57, subchapter 4 is amended to read:

Subchapter 4. Shoplifting

* * *

§ 2575. OFFENSE OF RETAIL THEFT

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

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

* * *

§ 2577. PENALTY

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

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

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

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

1 (3) for a third offense, be punished by a fine of not more than \$1,500.00
2 or imprisonment for not more than three years, or both, if the third offense
3 occurs not more than two years after the second offense, provided that at least
4 60 consecutive days of the sentence of imprisonment shall be served and may
5 not be suspended or deferred or served as a supervised sentence; or

6 (4) for a fourth or subsequent offense, be punished by a fine of not more
7 than \$2,500.00 or imprisonment for not more than 10 years, or both, if the
8 fourth or subsequent offense occurs not more than two years after the
9 immediately preceding offense, provided that at least six consecutive months
10 of the sentence of imprisonment shall be served and may not be suspended or
11 deferred or served as a supervised sentence.

12 (c)(1) A person convicted of the offense of retail theft of merchandise
13 having a retail value in excess of \$900.00 shall be punished by a fine of not
14 more than \$1,000.00 or imprisonment for not more than 10 years, or both.

15 (2) A person who is convicted of a third offense of retail theft of
16 merchandise having a retail value in excess of \$900.00 shall be punished
17 pursuant to subdivision (1) of this subsection, provided that at least six
18 consecutive months of the sentence of imprisonment shall be served and may
19 not be suspended or deferred or served as a supervised sentence.

20 (3) A person who is convicted of a fourth or subsequent offense of retail
21 theft of merchandise having a retail value in excess of \$900.00 shall be

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.