

H.872

Introduced by Representatives Harvey of Castleton, Goslant of Northfield,  
Malay of Pittsford, and Oliver of Sheldon

Referred to Committee on

Date:

Subject: Crimes; violent offenders; sentencing

Statement of purpose of bill as introduced: This bill proposes to establish  
minimum criminal penalties and prohibit suspended sentences for violent  
criminals.

An act relating to enhancing criminal sentences for violent offenders

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

Sec. 1. 13 V.S.A. § 11b is added to read:

§ 11b. REPEAT VIOLENT OFFENDERS; MINIMUM SENTENCES;

PROHIBITION ON SUSPENDED SENTENCES

(a) As used in this section, “felony crime of violence” means a felony, an  
element of which involves an act of violence against another person.

(b) The penalty provided for in this section shall apply to a person who,  
after having been convicted at least two times of a felony crime of violence, is  
convicted of a third felony crime of violence.

1        (c) A person charged under this section shall be sentenced upon conviction  
2        of the third or subsequent felony crime of violence offense to imprisonment for  
3        a period of not less than half the statutorily prescribed maximum term of  
4        imprisonment for the offense, up to and including life.

5        (d) The minimum term of imprisonment provided for in subsection (c) of  
6        this this section shall be served and shall not be suspended, deferred, or served  
7        as a supervised sentence. The defendant shall not be eligible for probation,  
8        parole, furlough, or any other type of early release until the expiration of the  
9        three-year term of imprisonment.

10       (e) For the purposes of this section, multiple convictions that arise out of  
11       the same criminal transaction shall be treated as one conviction.

12       Sec. 2. 13 V.S.A. § 7031 is amended to read:

13       § 7031. FORM OF SENTENCES; MAXIMUM AND MINIMUM TERMS;

14                PROHIBITION ON SUSPENDED SENTENCES FOR VIOLENT  
15                OFFENDERS

16        (a) When a respondent is sentenced to any term of imprisonment, other  
17        than for life, the court imposing the sentence shall not fix the term of  
18        imprisonment, unless the term is definitely fixed by statute, but shall establish  
19        a maximum and may establish a minimum term for which the respondent may  
20        be held in imprisonment. The maximum term shall not be more than the  
21        longest term fixed by law for the offense of which the respondent is convicted,

1 and the minimum term shall be not less than the shortest term fixed by law for  
2 the offense. If the court suspends a portion of the sentence, the unsuspended  
3 portion of the sentence shall be the minimum term of sentence solely for the  
4 purpose of any reductions of term for good behavior as set forth in 28 V.S.A.  
5 § 811. A court shall not suspend any portion of a sentence for a defendant  
6 convicted of a felony crime of violence as defined in subsection 11b(a) of this  
7 title. A sentence shall not be considered fixed as long as the maximum and  
8 minimum terms are not identical.

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10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.