

1 H.937

2 Introduced by Committee on Judiciary

3 Date:

4 Subject: Court procedure; criminal procedure; miscellaneous amendments

5 Statement of purpose of bill as introduced: This bill proposes to make a  
6 number of miscellaneous amendments related to civil and criminal procedure  
7 statutes.

8 An act relating to miscellaneous judiciary procedures

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

10 Sec. 1. 3 V.S.A. chapter 7 is amended to read:

11 CHAPTER 7. ATTORNEY GENERAL

12 \* \* \*

13 Subchapter 3. Profits from Crime

14 § 171. DEFINITION

15 As used in this subchapter, “profits from crimes” means:

16 (1) any property obtained through or income generated from the  
17 commission of a crime in which the defendant was convicted;

1           (2) any property obtained by or income generated from the sale,  
2           conversion, or exchange of proceeds of a crime, including any gain realized by  
3           such sale, conversion, or exchange;

4           (3) any property that the defendant obtained or any income generated as  
5           a result of having committed the crime, including any assets obtained through  
6           the use of unique knowledge acquired during the commission of or in  
7           preparation for the commission of the crime, as well as any property obtained  
8           or income generated from the sale, conversion, or exchange of such property  
9           and any gain realized by such sale, conversion, or exchange; and

10           (4) any property that the defendant obtained or any income generated  
11           from the sale of tangible property the value of which is increased by the  
12           notoriety gained from the conviction of an offense by the person accused or  
13           convicted of the crime.

14           § 172. NOTICE OF PROFITS FROM A CRIME

15           (a) Every person, firm, corporation, partnership, association, or other legal  
16           entity that knowingly contracts for, pays, or agrees to pay any profits from a  
17           crime to a person charged with or convicted of that crime shall give written  
18           notice to the Attorney General of the payment or obligation to pay as soon as  
19           is practicable after discovering that the payment is or will be a profit from a  
20           crime.

1        (b) The Attorney General, upon receipt of notice of a contract, agreement  
2        to pay, or payment of profits of the crime shall send written notice of the  
3        existence of such profits to all known victims of the crime at their last known  
4        addresses.

5        § 173. ACTIONS TO RECOVER PROFITS FROM A CRIME

6        (a) Notwithstanding any other provision of law, including any statute of  
7        limitations, any crime victim shall have the right to bring a civil action in a  
8        court of competent jurisdiction to recover money damages from a person  
9        convicted of that crime, or the legal representative of that convicted person,  
10       within three years after the discovery of any profits from the crime. Any  
11       damages awarded in such action shall be recoverable only up to the value of  
12       the profits of the crime. This section shall not limit the right of a victim to  
13       proceed or recover under another cause of action.

14       (b) The Attorney General may, within three years after the discovery of  
15       any profits from the crime, bring a civil action on behalf of the State to enforce  
16       the subrogation rights described in 13 V.S.A. § 5357.

17       (c) If the full value of any profits from the crime has not yet been claimed  
18       by either the victim of the crime or the victim's representative, the Attorney  
19       General, or both, within three years after the discovery of such profits, then the  
20       State may bring a civil action in a court of competent jurisdiction to recover  
21       the costs incurred by providing the defendant with counsel, if any, and other

1 costs reasonably incurred or to be incurred in the incarceration of the  
2 defendant.

3 (d) Upon the filing of an action pursuant to subsection (a) of this section,  
4 the victim shall deliver a copy of the summons and complaint to the Attorney  
5 General. Upon receipt of a copy of the summons and complaint, the Attorney  
6 General shall send written notice of the alleged existence of profits from the  
7 crime to all other known victims at their last known addresses.

8 (e) To avoid the wasting of assets identified in the complaint as newly  
9 discovered profits of the crime, the Attorney General, acting on behalf of the  
10 plaintiff and all other victims, shall have the right to apply for all remedies that  
11 are also otherwise available to the victim.

12 Sec. 2. 7 V.S.A. § 656 is amended to read:

13 § 656. PERSON 12 YEARS OF AGE OR OLDER AND UNDER 21 YEARS  
14 OF AGE MISREPRESENTING AGE, PROCURING, POSSESSING,  
15 OR CONSUMING ALCOHOLIC BEVERAGES; IMPAIRED  
16 DRIVING; POSSESSION OF CANNABIS; CIVIL VIOLATION

17 \* \* \*

18 (b) Prohibited conduct; offenses.

19 (1) Prohibited conduct. A person 12 years of age or older and under 21  
20 years of age shall not:

1           (A) Falsely represent the person's age for the purpose of procuring or  
2 attempting to procure malt or vinous beverages, ready-to-drink spirits  
3 beverages, spirits, or fortified wines from any licensee, State liquor agency, or  
4 other person or persons.

5           (B) Possess malt or vinous beverages, ready-to-drink spirits  
6 beverages, spirits, or fortified wines for the purpose of consumption by the  
7 person or other minors, except in the regular performance of duties as an  
8 employee of a licensee licensed to sell alcoholic liquor.

9           (C) Knowingly and unlawfully possess one ounce or less of cannabis  
10 or five grams or less of hashish or two mature cannabis plants or fewer or four  
11 immature cannabis plants or fewer.

12           (D) Consume malt or vinous beverages, ready-to-drink spirits  
13 beverages, spirits, or fortified wines. A violation of this subdivision may be  
14 prosecuted in a jurisdiction where the person has consumed malt or vinous  
15 beverages, ready-to-drink spirits beverages, spirits, or fortified wines or in a  
16 jurisdiction where the indicators of consumption are observed.

17           (E) Operate, attempt to operate, or be in actual physical control on a  
18 highway of a vehicle when the person's blood alcohol concentration is 0.02 or  
19 more.

20           (2) Procurement, possession, or consumption penalties. A person who  
21 knowingly violates any of subdivisions (1)(A)–(D) of this subsection commits

1 a civil violation and shall be referred to the Court Diversion Program for the  
2 purpose of enrollment in the Youth Substance Awareness Safety Program. A  
3 person who fails to complete the program successfully commits a civil  
4 violation under the jurisdiction of the Judicial Bureau and shall be subject to  
5 the following:

6 (A) a civil penalty of \$300.00 and suspension of the person's  
7 operator's license and privilege to operate a motor vehicle for a period of 30  
8 days, for a first offense and shall be automatically reinstated after the 30-day  
9 period; and

10 (B) a civil penalty of not more than \$600.00 and suspension of the  
11 person's operator's license and privilege to operate a motor vehicle for a  
12 period of 90 days, for a second or subsequent offense and shall be  
13 automatically reinstated after the 90-day period.

14 \* \* \*

*(d) Issuance of notice of suspension.*

*(1) On behalf of the Commissioner of Motor Vehicles, a law enforcement officer issuing a notice of violation in accordance with subsection (c) of this section for a violation of subdivision (b)(1)(E) of this section shall also serve a notice of suspension of the person's operator's license and privilege to operate a motor vehicle in a form prescribed by the Court Administrator. The form shall include the following:*

- (A) *the effective date of the suspension;*
- (B) *the suspension's duration;*
- (C) *an explanation of the consequences of the suspension;*
- (D) *the option to operate a motor vehicle with an ignition interlock restricted driver's license or certificate in accordance with 23 V.S.A. § 1213;*
- (E) *the projected date of reinstatement upon successful completion of the suspension; and*
- (F) *the ability to review the imposition of the suspension pursuant to Rule 75 of the Vermont Rules of Civil Procedure.*

\* \* \*

1 ~~Sec. 2. 7 V.S.A. § 1005 is amended to read:~~

2 § 1005. PERSONS 12 YEARS OF AGE OR OLDER AND UNDER 21  
3 YEARS OF AGE; POSSESSION OF TOBACCO PRODUCTS;  
4 MISREPRESENTING AGE OR PURCHASING TOBACCO  
5 PRODUCTS; PENALTY

6 (a)(1) A person 12 years of age or older and under 21 years of age shall not  
7 possess, purchase, or attempt to purchase tobacco products, tobacco  
8 substitutes, or tobacco paraphernalia unless:

9 (A) the person is an employee of a holder of a tobacco license and is  
10 in possession of tobacco products, tobacco substitutes, or tobacco  
11 paraphernalia to effect a sale in the course of employment, or

1 ~~(P) the person is in possession of tobacco products or tobacco~~  
2 paraphernalia in connection with Indigenous cultural tobacco practices.

3 (2) A person 12 years of age or older and under 21 years of age shall not  
4 misrepresent ~~his or her~~ the person's age to purchase or attempt to purchase  
5 tobacco products, tobacco substitutes, or tobacco paraphernalia.

6 (b) A person who possesses tobacco products, tobacco substitutes, or  
7 tobacco paraphernalia in violation of subsection (a) of this section shall be  
8 subject to having the tobacco products, tobacco substitutes, or tobacco  
9 paraphernalia immediately confiscated and shall be further subject to a civil  
10 penalty of \$25.00. An action under this subsection shall be brought in the  
11 same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.

12 (c) A person 12 years of age or older and under 21 years of age who  
13 misrepresents the person's age by presenting false identification to purchase  
14 tobacco products, tobacco substitutes, or tobacco paraphernalia shall be subject  
15 to a civil penalty of not more than \$50.00 or provide up to 10 hours of  
16 ~~community service, or both.~~

*Sec. 3. [Deleted.]*

17 Sec. 4. 12 V.S.A. § 5 is amended to read:

18 § 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

19 (a) The Court shall not permit public access via the internet to ~~criminal,~~  
20 family, or probate case records. ~~The Court may permit criminal justice~~

1 agencies, as defined in 20 V.S.A. § 2056a, internet access to criminal case  
2 records for criminal justice purposes, as defined in 20 V.S.A. § 2056a.

3 (b) Notwithstanding subsection (a) of this section, the Court shall provide  
4 licensed Vermont attorneys in good standing with access via the internet,  
5 through the Judiciary's public portal website or otherwise, to nonconfidential  
6 eriminal, family, and probate case records.

7 (c) Procedures governing public access via the internet to criminal case  
8 records shall be set forth in rules promulgated by the Court.

9 (d) This section shall not be construed to prohibit the Court from providing  
10 electronic access to:

11 (1) court schedules of the Superior Court ~~or opinions of the Criminal~~  
12 ~~Division of the Superior Court;~~

13 (2) State agencies in accordance with data dissemination contracts  
14 entered into under Rule 12 of the Vermont Rules for Public Access to Court  
15 Records; or

16 (3) decisions, recordings of oral arguments, briefs, and printed cases of  
17 the Supreme Court.

18 Sec. 5. 12 V.S.A. § 506 is amended to read:

19 § 506. JUDGMENTS

20 (a) Actions on judgments and actions for the renewal or revival of  
21 judgments shall be brought in the Civil Division of the Superior Court by

1 filing a new and independent action on the judgment within eight years after  
2 the rendition of the judgment, and not after.

3 (b) Notwithstanding subsection (a) of this section, the Family Division of  
4 the Superior Court shall have exclusive jurisdiction over actions on judgments  
5 issued by the Family Division.

6 (1) Renewal of a Family Division judgment for money or property shall  
7 be initiated specifically by a motion to renew in the county that issued the  
8 underlying judgment within eight years after the rendition of the judgment or  
9 when the last payment or action required is due, whichever occurs last, except  
10 that orders awarding or conveying real estate shall not be subject to a statutory  
11 limitation. A motion to renew a Family Division judgment for money or  
12 property shall be served upon all respondent parties in the manner prescribed  
13 for the filing of a new action for divorce or parentage. A judgment issued by  
14 the Family Division pursuant to a motion to renew such a judgment shall  
15 restart the eight-year limitation on actions on judgments.

16 (2) The filing of a motion to renew shall toll the statute of limitations  
17 until the court rules upon the motion.

18 (3) Any of the following shall restart the statutory limitation in  
19 subdivision (1) of this subsection:

20 (A) a written, signed acknowledgement of the debt, action, or  
21 obligation ordered in the judgment;

1           (B) any payment made by an obligor on a Family Division judgment,  
2           including by wage withholding;

(C) any ~~affirmation~~ affirmative action taken by an obligor toward  
compliance with the provisions of a Family Division judgment; or

3           (D) any payment made by a third party on behalf of the obligor  
4           specifically toward the Family Division judgment.

5           (4) All property or money judgments issued by the Family Division  
6           shall bear the following statement: “RENEWAL OF A FAMILY DIVISION  
7           JUDGMENT FOR MONEY OR PROPERTY SHALL BE INITIATED BY  
8           MOTION TO RENEW WITHIN EIGHT YEARS AFTER RENDITION OF  
9           THE JUDGMENT OR WHEN THE LAST PAYMENT OR ACTION  
10          REQUIRED IS DUE, WHICHEVER OCCURS LAST, OR IT CANNOT BE  
11          ENFORCED.”

12          Sec. 6. 12 V.S.A. § 2683 is amended to read:

13          § 2683. EXECUTIONS ON JUDGMENTS OF ~~DISTRICT~~ SUPERIOR  
14          COURTS; TIME

15          Executions issued upon a judgment rendered by a ~~District Court~~ Superior  
16          Court shall be made returnable within 60 days from the date thereof. Such  
17          executions may be issued so long as the judgment remains unsatisfied, but not  
18          after eight years from the date of rendition of the judgment.

1 Sec. 7. 12 V.S.A. § 4601 is amended to read:

2 § 4601. ~~APPEALS IN FORECLOSURE ACTIONS~~

3 ~~When a judgment is for the foreclosure of a mortgage, permission of the~~  
4 ~~court shall be required for review. [Repealed.]~~

5 Sec. 8. 12 V.S.A. § 5131 is amended to read:

6 § 5131. DEFINITIONS

7 As used in this chapter:

8 (1)(A) “Course of conduct” means:

9 (i) two or more acts over a period of time, however short, in  
10 which a person follows, monitors, surveils, threatens, or makes threats about  
11 another person, or interferes with another person’s property; or

12 (ii) use of any electronic, digital, or precise geolocation device or  
13 software or application to surveil a specific person or a specific person’s  
14 internet or wireless activity continuously for 12 hours or more or on two or  
15 more occasions over a period of time, however short, without authorization.

16 (B) This definition shall apply to acts conducted by the person  
17 directly or indirectly, and by any action, method, device, or means.

18 Constitutionally protected activity is not included within the meaning of  
19 “course of conduct.”

1 (C) As used in subdivision (A) of this subdivision (1);

2 (i) threaten shall not be construed to require an express or overt  
3 threat; and

4 (ii) course of conduct shall not be construed to require that the  
5 two or more acts occur on separate calendar days.

6 \* \* \*

7 (6) “Stalk” means to engage purposefully in a course of conduct  
8 directed at a specific person that the person engaging in the conduct knows or  
9 should know would cause a reasonable person to:

10 (A) fear for the person’s safety or the safety of a family member; or

11 (B) suffer substantial emotional distress as evidenced by:

12 (i) a fear of unlawful sexual conduct, unlawful restraint, bodily  
13 injury, or death; or

14 (ii) significant modifications in the person’s actions or routines,  
15 including moving from an established residence, changes to established daily  
16 routes to and from work that cause a serious disruption in the person’s life,  
17 changes to the person’s employment or work schedule, or the loss of a job or  
18 time from work.

19 \* \* \*

20 Sec. 9. 13 V.S.A. § 1061 is amended to read:

21 § 1061. DEFINITIONS

1 As used in this subchapter:

2 (1)(A) “Course of conduct” means two or more acts over a period of  
3 time, however short, in which a person follows, monitors, surveils, threatens,  
4 or makes threats about another person, or interferes with another person’s  
5 property. This definition shall apply to acts conducted by the person directly  
6 or indirectly, and by any action, method, device, or means. Constitutionally  
7 protected activity is not included within the meaning of “course of conduct.”

8 (B) As used in subdivision (A) of this subdivision (1):

9 (i) threaten shall not be construed to require an express or overt  
10 threat; and

11 (ii) course of conduct shall not be construed to require that the  
12 two or more acts occur on separate calendar days.

13 (2) “Emotional distress” means significant mental suffering or distress  
14 that may, but does not necessarily, require medical or other professional  
15 treatment or counseling.

16 (3) “Reasonable person” means a reasonable person in the victim’s  
17 circumstances.

18 (4) “Stalk” means to engage purposefully in a course of conduct  
19 directed at a specific person that the person engaging in the conduct knows or  
20 should know would cause a reasonable person to fear for his or her safety or

1 the safety of another or would cause a reasonable person substantial emotional  
2 distress.

3 Sec. 10. 13 V.S.A. § 2631 is amended to read:

4 § 2631. DEFINITIONS

5 As used in this ~~section~~ subchapter:

6 \* \* \*

7 Sec. 11. 13 V.S.A. § 5314 is amended to read:

8 § 5314. INFORMATION FROM LAW ENFORCEMENT AGENCY

9 (a) Information to all victims. After initial contact between a victim and a  
10 law enforcement agency responsible for investigating a crime, the agency shall  
11 promptly give in writing to the victim:

12 (1) an explanation of the victim's rights under this chapter and chapter  
13 167 of this title;

14 (2) information concerning the availability of:

15 (A) assistance to victims, including medical, housing, counseling,  
16 and emergency services;

17 (B) compensation for victims under chapter 167 of this title, and the  
18 name, street address, and telephone number of the Center for Crime Victim  
19 Services;

20 (C) protection for the victim, including protective court orders; and

1 (D) access by the victim and the defendant to records related to the  
2 case which are public under the provisions of 1 V.S.A. chapter 5, subchapter 3  
3 (access to public records); and

4 (3) information concerning the victim's right to know, if the defendant  
5 is held at a correctional facility, where the defendant is held, if the defendant is  
6 released, how to locate the Department of Corrections' Vermont Offender  
7 Locator website, and how to register for automated notifications when the  
8 defendant is released.

9 \* \* \*

10 Sec. 12. 13 V.S.A. § 5351 is amended to read:

11 § 5351. DEFINITIONS

12 As used in this chapter:

13 \* \* \*

14 (8) ~~"Profits from crimes" means:~~

15 (A) ~~any property obtained through or income generated from the~~  
16 ~~commission of a crime in which the defendant was convicted;~~

17 (B) ~~any property obtained by or income generated from the sale,~~  
18 ~~conversion, or exchange of proceeds of a crime, including any gain realized by~~  
19 ~~such sale, conversion, or exchange;~~

20 (C) ~~any property that the defendant obtained or any income generated~~  
21 ~~as a result of having committed the crime, including any assets obtained~~

1 through the use of unique knowledge acquired during the commission of or in  
2 preparation for the commission of the crime, as well as any property obtained  
3 or income generated from the sale, conversion, or exchange of such property  
4 and any gain realized by such sale, conversion, or exchange; and

5 (D) any property defendant obtained or any income generated from  
6 the sale of tangible property the value of which is increased by the notoriety  
7 gained from the conviction of an offense by the person accused or convicted of  
8 the crime. [Repealed.]

9 Sec. 13. 13 V.S.A. § 5352 is amended to read:

10 § 5352. VICTIMS COMPENSATION BOARD

11 (a) The Victims Compensation Board is established for the purpose of  
12 awarding compensation to victims of crimes and to their dependents. The  
13 Board shall consist of five members appointed by the Governor as follows:  
14 one ~~physician~~ health care provider as defined in 18 V.S.A. § 9402 licensed to  
15 practice in this State, one attorney admitted to practice in this State, one  
16 individual who is a crime victim, and two public members. Each member  
17 shall serve for a term of three years. A vacancy shall be filled in the same  
18 manner as the original appointment for the remainder of the unexpired term.

19 \* \* \*

1 Sec. 14. 13 V.S.A. § 5358a(d) is amended to read:

2 (d) Meetings of the Victims Compensation Board relating to victims  
3 compensation or offender restitution shall not be subject to the Vermont Open  
4 Meeting Law, 1 V.S.A. chapter 5, subchapter 2. Annually, the Board shall  
5 hold an open meeting to present information and data concerning the victims  
6 compensation and offender restitution programs, including aggregate  
7 information on cases, pecuniary loss, expense reimbursement, restitution  
8 orders, ~~profits from crimes~~, and nonidentifying information on the amounts of  
9 compensation awarded to victims.

10 Sec. 15. 13 V.S.A. § 5363 is amended to read:

11 § 5363. CRIME VICTIMS' RESTITUTION SPECIAL FUND

12 \* \* \*

13 (e) If the Restitution Unit collects in excess of ~~\$10,000.00~~ \$5,000.00 from  
14 an offender, the amount in excess of ~~\$10,000.00~~ \$5,000.00 shall first be paid to  
15 that offender's victims until the victims have received the full amount of  
16 restitution ordered. Any excess remaining after the victims have received the  
17 full amount of restitution ordered shall be divided between the Victims  
18 Compensation Fund and the Crime Victims Special Restitution Fund in  
19 proportion to the amount which each paid.

20 (f)(1) In no event shall the amount of restitution advanced to the victims of  
21 a single crime spree during a single fiscal year under this title exceed five

1 percent of the balance of the Fund at the end of the prior fiscal year. If this  
2 section applies, an advance payment to a victim shall be reduced by the same  
3 percentage that the Restitution Unit reduces the total amount advanced to all  
4 victims in connection with the crime spree. Unless otherwise ordered by the  
5 court, the Restitution Unit shall determine the offenders and crimes  
6 encompassed within a crime spree.

7 (2) A victim whose advance payment is reduced pursuant to this  
8 subsection shall be entitled to receive additional advance payments during  
9 subsequent fiscal years until the restitution order has been satisfied or the  
10 \$10,000.00 \$5,000.00 cap has been reached, whichever occurs first.

11 \* \* \*

12 Sec. 16. 13 V.S.A. § 5421 is amended to read:

13 § 5421. ~~NOTICE OF PROFITS FROM A CRIME~~

14 (a) ~~Every person, firm, corporation, partnership, association, or other legal~~  
15 ~~entity that knowingly contracts for, pays, or agrees to pay any profits from a~~  
16 ~~crime, as defined in subdivision 5351(8) of this title, to a person charged with~~  
17 ~~or convicted of that crime shall give written notice to the Attorney General of~~  
18 ~~the payment or obligation to pay as soon as is practicable after discovering that~~  
19 ~~the payment is or will be a profit from a crime.~~

20 (b) ~~The Attorney General, upon receipt of notice of a contract, agreement to~~  
21 ~~pay, or payment of profits of the crime shall send written notice of the~~

1 existence of such profits to all known victims of the crime at their last known  
2 addresses. [Repealed.]

3 Sec. 17. 13 V.S.A. § 5422 is amended to read:

4 § 5422. ~~ACTIONS TO RECOVER PROFITS FROM A CRIME~~

5 ~~(a) Notwithstanding any other provision of law, including any statute of~~  
6 ~~limitations, any crime victim shall have the right to bring a civil action in a~~  
7 ~~court of competent jurisdiction to recover money damages from a person~~  
8 ~~convicted of that crime, or the legal representative of that convicted person,~~  
9 ~~within three years of the discovery of any profits from the crime. Any damages~~  
10 ~~awarded in such action shall be recoverable only up to the value of the profits~~  
11 ~~of the crime. This section shall not limit the right of a victim to proceed or~~  
12 ~~recover under another cause of action.~~

13 ~~(b) The Attorney General may, within three years of the discovery of any~~  
14 ~~profits from the crime, bring a civil action on behalf of the State to enforce the~~  
15 ~~subrogation rights described in section 5357 of this title.~~

16 ~~(c) If the full value of any profits from the crime has not yet been claimed~~  
17 ~~by either the victim of the crime or the victim's representative, the Attorney~~  
18 ~~General, or both, within three years of the discovery of such profits, then the~~  
19 ~~State may bring a civil action in a court of competent jurisdiction to recover~~  
20 ~~the costs incurred by providing the defendant with counsel, if any, and other~~

1 ~~costs reasonably incurred or to be incurred in the incarceration of the~~  
2 ~~defendant.~~

3 ~~(d) Upon the filing of an action pursuant to subsection (a) of this section,~~  
4 ~~the victim shall deliver a copy of the summons and complaint to the Attorney~~  
5 ~~General. Upon receipt of a copy of the summons and complaint, the Attorney~~  
6 ~~General shall send written notice of the alleged existence of profits from the~~  
7 ~~crime to all other known victims at their last known addresses.~~

8 ~~(e) To avoid the wasting of assets identified in the complaint as newly~~  
9 ~~discovered profits of the crime, the Attorney General, acting on behalf of the~~  
10 ~~plaintiff and all other victims, shall have the right to apply for all remedies that~~  
11 ~~are also otherwise available to the victim. [Repealed.]~~

12 Sec. 18. 13 V.S.A. § 7043 is amended to read:

13 § 7043. RESTITUTION

14 \* \* \*

15 (b)(1) When ordered, restitution may include:

16 (A) return of property wrongfully taken from the victim;

17 (B) cash, credit card, or installment payments paid to the Restitution  
18 Unit; or

19 (C) payments in kind, if acceptable to the victim.

20 (2) In the event of a victim's crime-related death, the court may, at the  
21 request of the Restitution Unit, direct the Unit to pay up to \$10,000.00



1 Information related to the present offense directly or indirectly derived from  
2 the risk assessment, needs screening, or other conversation with the pretrial  
3 services coordinator shall not be used against the person in the person's  
4 criminal or juvenile case for any purpose, including impeachment or cross-  
5 examination. However, the fact of participation or nonparticipation in risk  
6 assessment or needs screening may be used in subsequent proceedings. The  
7 immunity provisions of this subsection apply only to the use and derivative use  
8 of information gained as a proximate result of the risk assessment, needs  
9 screening, or other conversation with the pretrial services coordinator.

10 (2) The person shall retain all of ~~his or her~~ the person's due process  
11 rights throughout the risk assessment and needs screening process and may  
12 release ~~his or her~~ the person's records at ~~his or her~~ the person's discretion.

13 (3) All records of information obtained during risk assessment or needs  
14 screening shall be stored in a manner making them accessible only to the  
15 Director of Pretrial Services and pretrial service coordinators for a period of  
16 ~~three~~ two years, after which the records shall be maintained as required by 3  
17 V.S.A. §§ 117 and 218 and any other State law. The Director of Pretrial  
18 Services shall be responsible for the destruction of records when ordered by  
19 the court.

20 \* \* \*

1 Sec. 20. REPEALS; SPENDTHRIFT GUARDIANSHIPS

2 14 V.S.A. §§ 2681 (spendthrift, defined), 2684 (spendthrift; hearing;  
3 notice), 2685 (decree; appeal), 2687 (expense of resisting application), 2690  
4 (guardian to give notice that ward's contracts and transfers will be void), 2691  
5 (spouse to support and have custody), 2692 (extent of guardian's control), and  
6 2693 (married woman may be guardian) are repealed.

7 Sec. 21. 14A V.S.A. § 505 is amended to read:

8 § 505. CREDITOR'S CLAIM AGAINST SETTLOR

9 \* \* \*

10 (c)(1) Property held by spouses as tenants by the entirety that is conveyed  
11 to the spouses' jointly or separately held revocable or irrevocable trusts, and  
12 any proceeds of the sale or disposition of the property, shall be immune from  
13 the claims of the spouses' separate creditors to the same extent as the property  
14 would have been if it had remained held by the spouses as tenants by the  
15 entirety if the following apply:

16 \* \* \*

17 (3) Except as otherwise provided in this title, on April 24, 2025:

18 (A) notwithstanding 1 V.S.A. § 214, this subsection (c) applies to all  
19 trusts created before, on, or after April 24, 2025, and to property held by  
20 spouses as tenants by the entirety that is conveyed before, on, or after April 24,  
21 2025; and



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(b) On receipt of the documents required by subsection (a) of this section, the Family Division of the Superior Court shall:

~~(1) send the certified copy of the determination to the Court Administrator who shall file it as a foreign judgment; and~~

(2) serve notice upon the persons named pursuant to subdivision (a)(3) of this section and provide them with an opportunity to contest the registration in accordance with this section.

(c) The notice required by ~~subdivision (b)(2)~~ subsection (b) of this section shall state that:

(1) a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a Vermont court;

(2) a hearing to contest the validity of the registered determination must be requested within 20 days after service of notice; and

(3) failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

\* \* \*

Sec. 24. 18 V.S.A. § 4230f is amended to read:

§ 4230f. DISPENSING CANNABIS TO A PERSON UNDER 21 YEARS  
OF AGE; CRIMINAL OFFENSE

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(e)(1) Subsections (a)–(d) of this section shall not apply to a person under 21 years of age who dispenses cannabis to a person under 21 years of age or who knowingly enables the consumption of cannabis by a person under 21 years of age.

(2) A person who is 18, 19, or 20 years of age who knowingly dispenses cannabis to a person who is 18, 19, or 20 years of age commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program in accordance with the provisions of ~~section 4230b of this title~~ 7 V.S.A. § 656 and shall be subject to the penalties in ~~that section~~ 7 V.S.A. § 656(b)(2) for failure to complete the program successfully.

\* \* \*

Sec. 25. 18 V.S.A. § 4234 is amended to read:

§ 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

\* \* \*

(c) Possession of buprenorphine by a person under 21 years of age.

(1) Except as provided in subdivision (2) of this subsection, a person under 21 years of age who knowingly and unlawfully possesses 224 milligrams or less of buprenorphine commits a civil violation and shall be subject to the provisions of ~~section 4230b of this title~~ 7 V.S.A. § 656.



1 Sec. 27. RETROACTIVE APPLICATION

2 Notwithstanding 1 V.S.A. § 214, Sec. 26 of this act shall apply retroactively  
3 to an estate whenever created, except that it shall not affect a suit begun or  
4 pending as of July 1, 2026.

5 Sec. 28. 28 V.S.A. § 304 is amended to read:

6 § 304. ASSIGNMENT OF LEASE TO BE BY DEED

7 The assignment of a lease of lands, if the lease is for a longer term than one  
8 year, shall be by deed, signed, ~~sealed, witnessed,~~ acknowledged, and recorded  
9 as provided for deeds in this chapter. An assignment otherwise executed shall  
10 be void as against all persons but the assignor, ~~his or her~~ the assignor's heirs,  
11 or ~~his or her~~ the assignor's devisees.

12 Sec. 29. 27 V.S.A. § 1101 is amended to read:

13 § 1101. FINDER TO GIVE NOTICE

14 A person who finds money or goods, to the value of ~~\$3.00~~ \$50.00 or more,  
15 or takes up a stray beast, the owner of which is not known, shall, within six  
16 days thereafter, make two notices, describing such money, goods, or beast,  
17 with the natural or artificial marks, with the time and place of finding or taking  
18 up the same, and post them in two public places in the town in which such  
19 property was found.

1 Sec. 30. 33 V.S.A. § 6936(c) is amended to read:

2 (c) In addition to the information required under subsection 6935(b) of this  
3 title, every order issued under this section shall state upon its face a date, time,  
4 and place when the defendant may appear to petition the court for modification  
5 or discharge of the order. When service of the temporary order cannot be  
6 made before the scheduled hearing, the court shall continue the hearing and  
7 extend the terms of any temporary order upon request of the plaintiff for such  
8 additional time as it deems necessary to achieve service on the defendant. The  
9 defendant's opportunity to contest shall be scheduled as soon as reasonably  
10 possible, but in no event later than ~~10~~ 14 days from the date of issuance of the  
11 order.

*Sec. 31. FINDINGS*

*The General Assembly finds:*

*(1) The pilot accountability court in Chittenden County, which was referred to as the Pilot Accountability Court, was a project proposed by the Governor and implemented by the Judiciary in collaboration with the Chittenden County State's Attorney, the Department of State's Attorneys and Sheriffs, the Chittenden County Public Defender's Office, the Agency of Human Services, the Chittenden County Sheriff's Office, and the Department of Public Safety, Division of Emergency Management.*

(2) The docket helped clear a backlog of repeat offender criminal cases involving individuals with five or more open charges, many of whom were unhoused and struggling with substance use issues or mental health challenges. The docket brought together judges, prosecutors, defense attorneys, and human services staff to resolve cases faster and connect individuals to the services they needed.

(3) The docket achieved a clearance rate of approximately 300 percent or roughly three times the Judiciary's typical clearance rate.

(4) More importantly, repeat offenders were held accountable to the court for complying with conditions of release, complying with orders to connect with service providers, and appearing for scheduled court proceedings.

(5) Each county that determines that employing a rapid accountability docket modeled on the pilot in Chittenden County that takes into account the unique needs and resources of the county should have the opportunity to operate such a docket.

*Sec. 32. RAPID ACCOUNTABILITY DOCKET; PURPOSE*

The goals of a rapid accountability docket include:

(1) Accelerating court proceedings of repeat-offender cases by ensuring:

(A) consistent and timely availability of judicial resources, including judge and courtroom time;

(B) dedicated prosecutorial and defense resources;

(C) the availability of resources of the Department of Corrections and the Agency of Human Services; and

(D) sufficient transport services to detained individuals, as needed, to ensure that defendants attend scheduled court hearings.

(2) Connecting individuals with treatment, housing, and social services to appropriately address the circumstances that may contribute to recidivism.

(3) Reducing the number of pending criminal cases that involve individuals with multiple dockets by providing targeted resources to improve the overall efficiency of the criminal justice system and utilize the known deterrent effects of consequences close in time to the alleged offense.

(4) Improving accountability for individuals with multiple pending legal cases by providing immediate follow-up and a court schedule that is responsive to their needs.

(5) Improving collaboration among the courts, law enforcement, prosecutors, and social workers to provide faster resolution of repeat offender cases.

*Sec. 33. COUNTY DEPLOYMENT STRATEGY*

The Executive Director of the Department of State's Attorneys and Sheriffs, in consultation the Defender General and the Secretary of Human Services or designee, shall recommend to the Chief Superior Judge the counties identified

as appropriate for the rapid accountability docket and the order in which the counties shall implement the docket. At least 30 days before a rapid accountability docket starts in a county, the State's Attorney in each respective county shall convene stakeholders in the county to assess needs and resources within the county to develop a plan to implement the docket in accordance with the goals identified in Sec. 32 of this act.

*Sec. 34. DEDICATED COURT SPACE AND JUDICIARY STAFF*

(a) The Chief Superior Court Judge shall assign a sitting or retired judge to each rapid accountability docket, and the Court Administrator shall provide a dedicated courtroom, court staff, and court security to implement the plan for the respective county.

(b) Each operating period shall last up to 90 days but may be shorter if the goals of the rapid accountability docket are met, as determined by the Judiciary in consultation with the State's Attorney and the public defender. Each docket shall give priority to defendants with five or more pending cases, but the State's Attorney or public defender may request to include defendants with fewer than five pending cases where faster action would serve the interests of justice.

*Sec. 35. DEDICATED PROSECUTOR AND LEAD PUBLIC DEFENDER*

(a) The Governor, in consultation with the respective county State's Attorney and the Executive Director of the Department of State's Attorneys

and Sheriffs, may appoint a special prosecutor to serve a rapid accountability docket, or the State's Attorney of the respective county may appoint a designated deputy State's Attorney to serve a rapid accountability docket.

(b) The Executive Director of the Department of State's Attorneys and Sheriffs and the State's Attorney shall dedicate victim advocates and administrative staff sufficient to implement the plan for the respective county.

(c) The Defender General shall identify a lead public defender for each county rapid accountability docket and coverage sufficient to implement the plan for the respective county.

Sec. 36. EXECUTIVE BRANCH RESOURCES

(a) The Governor shall dedicate resources from the Department of Public Safety (DPS), Department of Motor Vehicles (DMV), Department of Corrections (DOC), Department of Mental Health, and Agency of Human Services sufficient to implement the plan for the respective county.

(1) DOC shall assign a liaison to each operating docket.

(2) The Department of State's Attorneys and Sheriffs and the State's Attorney, local law enforcement, DMV, DPS, and DOC shall, in collaboration with each county sheriff's office, ensure timely transport of incarcerated defendants to hearings.

(3) The Secretary of Human Services shall assign staff to each docket to address complex needs, including defendants dealing with:

(A) substance use or mental health challenges;

(B) homelessness or unstable housing; and

(C) trauma or child welfare history.

(b) The Governor, in consultation with the Secretary of Human Services, the Executive Director of the Department of State's Attorneys and Sheriffs, and the Chief Prevention Officer, may designate a rapid accountability docket coordinator to assist with the deployment of resources.

(c) The Administration shall coordinate Executive Branch resources to track and report data as required by Sec. 37 of this act. The Secretary of Administration shall ensure that information is maintained and distributed to evaluate the programmatic efficiency and dispositional outcomes.

*Sec. 37. DATA COLLECTION*

For each rapid accountability docket, the Secretary of Administration shall track and report:

(1) the number of defendants served;

(2) the number of cases resolved and types of outcomes;

(3) the number of defendants connected to services and types of services;

(4) the number of times each defendant appeared in court for the docket;

(5) the number of probation or furlough violations of the defendants sentenced through the docket within six and 12 months; and

(6) the number of defendants charged with a new offense within six and 12 months and the types of offenses.

Sec. 38. REPORTING

(a) The Department of State's Attorneys and Sheriffs, the Defender General, the Agency of Human Services, and the Judiciary shall appear at the August 2026 meeting of the Joint Legislative Justice Oversight Committee to report progress on the implementation of the rapid accountability dockets.

(b) On or before December 1, 2026, the Secretary of Administration shall submit a written report regarding the implementation of the rapid accountability dockets to the House and Senate Committees on Judiciary and the Governor.

Sec. 39. CONTINGENCY FUNDING

The duty to implement Secs. 32–37 of this act is contingent upon the availability of funds appropriated in fiscal year 2027 and 2025 Acts and Resolves No. 27, Sec. B.1100(a)(3) as amended by 2026 Acts and Resolves No. 74, Sec. 51.

Sec. 40. REPEAL

Secs. 31–39 of this act shall be repealed on July 1, 2028.

*Sec. 40a. 28 V.S.A. § 102 is amended to read:*

*§ 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;  
POWERS; RESPONSIBILITIES*

*\* \* \**

*(c) The Commissioner is charged with the following responsibilities:*

*\* \* \**

*(24) To provide and sustain trauma-informed family support services and programming pursuant to section 128 of this title.*

*(25) To provide notification and other services to victims. Notwithstanding any other provision of law requiring the Department to provide notification or other services to victims, a victim may decline any notification or other service provided by the Department.*

*Sec. 40b. 13 V.S.A. § 2029 is amended to read:*

*§ 2029. HOME IMPROVEMENT AND LAND IMPROVEMENT FRAUD*

*\* \* \**

*(b) A person commits the offense of home improvement or land improvement fraud when the person knowingly enters into a contract ~~or~~, agreement, or change order, written or oral, for \$1,000.00 or more, with an owner for home improvement or land improvement, or into several contracts ~~or~~, agreements, or change orders for \$2,500.00 or more in the aggregate, with*

*more than one owner for home improvement or land improvement, and the person knowingly:*

*~~(1)(A) fails to perform the contract or agreement, in whole or in part;~~*

*and*

*~~(B) when the owner requests performance, payment, or a refund of payment made, the person fails to either:~~*

*~~(i) refund the payment;~~*

*~~(ii) make and comply with a definite plan for completion of the work that is agreed to by the owner; or~~*

*~~(iii) make the payment promises performance that the person does not intend to perform or knows will not be performed, in whole or in part;~~*

*(2) misrepresents a material fact relating to the terms of the contract ~~or~~, agreement, or change order or to the condition of any portion of the property involved;*

*(3) uses or employs any unfair or deceptive act or practice in order to induce, encourage, or solicit such person to enter into any contract ~~or~~, agreement, or change order or to modify the terms of the original contract ~~or~~, agreement, or change order; or*

*(4) when there is a declared state of emergency, charges for goods or services related to the emergency a price that exceeds two times the average*

*price for the goods or services and the increase is not attributable to the additional costs incurred in connection with providing those goods or services.*

\* \* \*

*Sec. 40c. 12 V.S.A. § 5606 is amended to read:*

*§ 5606. INDEMNIFICATION OF EMPLOYEES*

*(a) In any action defended by the Attorney General or the Attorney General's designee in which a judgment is rendered against an employee of the State for acts or omissions within the scope of his or her employment, or a settlement requires payment by such a person, and the right of action is based upon 42 U.S.C. § 1983 or a similar State statute, or under a similar federal statute where State law is incapable of establishing employee immunity, the State shall indemnify the employee for the amount of the employee's liability.*

*(b) The maximum liability of the State under this section shall be \$500,000.00 to any one person and the maximum aggregate liability shall be \$2,000,000.00 to all persons arising out of each occurrence.*

\* \* \*

*Sec. 40d. 2023 Acts and Resolves No. 47, Sec. 44 is amended to read:*

*Sec. 44. TENANT REPRESENTATION PILOT PROGRAM*

*(a) Creation; purpose. Vermont Legal Aid shall create and administer a two-year Tenant Representation Pilot Program:*

*(1) to provide full representation to eligible and consenting tenants in ~~Lamoille and Windsor counties~~ Vermont who have been served with a summons and complaint for eviction; and*

*(2) to determine the impact of representation on the issuance of writs of possession and homelessness prevention.*

*(b) Tenant eligibility. Vermont Legal Aid may enter a notice of appearance on behalf of a residential tenant ~~in Lamoille or Windsor County~~ who is served with a summons and complaint in an ejectment action, consents to the representation, and meets the following criteria:*

*(1) household income equals or is less than 120 percent of State area median income;*

*(2) the cost of rent equals or exceeds 30 percent of household income;*  
*or*

*(3) household expenses exceed income.*

*(c) Scope of representation.*

*(1) Full representation through the Program is limited to eviction.*

*(2) The pursuit of counterclaims shall be at the discretion of appointed counsel.*

*(d) Conflicts of interest.*

*(1) Vermont Legal Aid may subcontract to Legal Services Vermont if it is unable to provide tenant representation due to a conflict of interest as defined by the Vermont Rules of Professional Conduct.*

*(2) If Legal Services Vermont also has a conflict of interest, Vermont Legal Aid may subcontract to one or more private counsels who are members in good standing of the Vermont Bar.*

*(e) Report. Vermont Legal Aid shall provide interim reports on the progress of the Program on or before ~~November 15, 2023~~ November 30, 2025, and ~~November 15, 2024~~ November 30, 2026, and a final report on or before ~~July 30, 2025~~ July 31, 2027, which shall describe:*

*(1) the number of tenants represented;*

*(2) case outcomes, including:*

*(A) the number of cases fully or partially resolved through access to the Rent Arrears Assistance Fund;*

*(B) the number of cases fully or partially resolved through the Vermont Landlord's Association mediation program; and*

*(C) the number of cases fully or partially resolved through access to another resource identified through the Rental Housing Stabilization Services Program; and*

*(3) recommendations for policy changes and for pilot expansion.*

*(f) Implementation. The duty to implement this section is contingent upon an appropriation in fiscal year ~~2024~~ 2025 from the General Fund to the Agency of Human Services for a subgrant to Vermont Legal Aid to provide representation in eligible eviction cases ~~in the two pilot counties of Lamoille and Windsor~~ beginning on ~~July 1, 2023~~ November 1, 2024.*

*Sec. 40e. 2024 Acts and Resolves No. 181, Sec. 95 is amended to read:*

*Sec. 95. APPROPRIATION; TENANT REPRESENTATION PILOT  
PROGRAM*

*The sum of \$1,025,000.00 is appropriated from the General Fund to the Agency of Human Services in fiscal year 2025 for a grant to Vermont Legal Aid for the Tenant Representation Pilot Program established by 2023 Acts and Resolves No. 47, Sec. 44. These funds shall carry forward each fiscal year until fully expended or reverted by an act of the General Assembly.*

*Sec. 40f. 9 V.S.A. § 4555 is amended to read:*

*§ 4555. INFORMATION; DISCLOSURE AND CONFIDENTIALITY*

*(a)(1) Except as provided in this subsection, the Human Rights Commission's complaint files and investigative files shall be confidential.*

*(2) The Commission shall make the investigative file available to the charging party, the respondent, their attorneys, and any State or federal law enforcement agency seeking to enforce ~~anti-discrimination~~ antidiscrimination*

*statutes, upon reasonable request, except that the Commission may refuse to disclose:*

*(A) the identities of nonparty witnesses to the investigation if good cause is shown to protect the witness's confidentiality; or*

*(B) records or information the release of which may be prohibited under State or federal law absent court order.*

*(3) For any complaint initiated pursuant to subsection 4554(b) of this title, any resulting investigative report shall not be confidential after the Commission has issued a final determination and after the parties have been notified of the Commission's determination, except that the Commission shall not proactively disclose any report and shall not disclose:*

*(A) the identities of nonparty witnesses to the investigation if good cause is shown to protect the witness's confidentiality;*

*(B) information the release of which may be prohibited under State or federal law absent court order; and*

*(C) the identity of the parties and any information that would identify the parties if the Commission finds that there are no reasonable grounds to believe that discrimination occurred.*

*(4) A party or entity denied information or records under subdivision (2)(A) or (B) of this subsection may seek the information or records by*

*subpoena. The Commission and any affected person may contest the subpoena in court.*

*(4)(5) Any records or information described in subdivision (2)(A) or (B) of this subsection made available to a party or entity pursuant to a confidentiality agreement or court order requiring confidentiality shall be kept confidential in accordance with the agreement or order, unless disclosure is otherwise authorized by law or court order.*

*(b) Nothing said or done as part of conciliation efforts under this chapter may be made a matter of public record or used as evidence in a subsequent civil action without written consent of the parties. Final settlement agreements shall be public documents and the parties shall be so informed.*

*(c) If the Commission determines that there are reasonable grounds to believe that discrimination has occurred, that determination and the names of the parties may be made public after the parties have been notified of the Commission's determination. If the Commission finds that there are no reasonable grounds to find discrimination, the identity of the parties and any information that would identify the parties shall remain confidential. The Commission shall inform the parties about the provisions of this subsection. In all cases, even if the records are confidential, the facts may be used for educational purposes if sufficiently altered so that no person involved in a case can be identified.*

*Sec. 40g. APPLICATION TO PENDING INVESTIGATIONS*

*Sec. 40f of this act shall apply to any pending investigations by the Human Rights Commission.*

*Sec. 40h. 15 V.S.A. § 1103 is amended to read:*

*§ 1103. REQUESTS FOR RELIEF*

*(a) Any family or household member may seek relief from abuse by another family or household member on behalf of themselves or their children by filing a complaint under this chapter. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(3) of this chapter, may file a complaint under this chapter seeking relief on the minor's own behalf. The plaintiff shall submit an affidavit in support of the order.*

*(b) Except as provided in section 1104 of this title, the court shall grant relief only after notice to the defendant and a hearing. The plaintiff shall have the burden of proving abuse by a preponderance of the evidence.*

*(c)(1) The court shall make such orders as it deems necessary to protect the plaintiff or the children, or both, if the court finds that the defendant has abused the plaintiff, and:*

*(A) there is a danger of further abuse; or*

*(B) the defendant is currently ~~incarcerated~~ under the supervision of the Department of Corrections and has been convicted of one of the following:*

*murder, attempted murder, kidnapping, domestic assault, aggravated domestic assault, sexual assault, aggravated sexual assault, stalking, aggravated stalking, lewd or lascivious conduct with a child, use of a child in a sexual performance, or consenting to a sexual performance.*

\* \* \*

*Sec. 40i. 13 V.S.A. § 7551 is amended to read:*

*§ 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND  
APPEARANCE BONDS*

\* \* \*

*(b) Limitation on imposition of bail, secured appearance bonds, and appearance bonds.*

*(1) Except as provided in subdivision (2) of this subsection, no bail, secured appearance bond, or appearance bond may be imposed:*

*(A) at the initial appearance of a person charged with a misdemeanor if the person was cited for the offense in accordance with Rule 3 of the Vermont Rules of Criminal Procedure; or*

*(B) at the initial appearance or upon the temporary release pursuant to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged with a violation of a misdemeanor offense that is eligible for expungement sealing pursuant to subdivision 7601(4)(A) of this title.*

*(2) In the event the court finds that imposing bail is necessary to mitigate the risk of flight from prosecution for a person charged with a violation of a misdemeanor offense that is eligible for expungement sealing pursuant to subdivision 7601(4)(A) of this title, the court may impose bail in a maximum amount of \$200.00. The \$200.00 limit shall not apply to an offense allegedly committed by a defendant who has been released on personal recognizance or conditions of release pending trial for another offense.*

\* \* \*

1 Sec. ~~3141~~. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 4 shall take effect on ~~July 1, 2026~~ *July 1, 2027*.