

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, as defined in 13 V.S.A. § 5351(8), to a person charged with or
18 convicted of that crime shall give written notice to the Attorney General of the
19 payment or obligation to pay as soon as is practicable after discovering that the
20 payment is or will be a profit from a 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 * * *

15 Sec. 3. 7 V.S.A. § 1005 is amended to read:

16 § 1005. PERSONS 12 YEARS OF AGE OR OLDER AND UNDER 21

17 YEARS OF AGE; POSSESSION OF TOBACCO PRODUCTS;

18 MISREPRESENTING AGE OR PURCHASING TOBACCO

19 PRODUCTS; PENALTY

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

4 (A) the person is an employee of a holder of a tobacco license and is
5 in possession of tobacco products, tobacco substitutes, or tobacco
6 paraphernalia to effect a sale in the course of employment; or

7 (B) the person is in possession of tobacco products or tobacco
8 paraphernalia in connection with Indigenous cultural tobacco practices.

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

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

18 (c) A person 12 years of age or older and under 21 years of age who
19 misrepresents the person's age by presenting false identification to purchase
20 tobacco products, tobacco substitutes, or tobacco paraphernalia shall be subject

1 to a civil penalty of not more than \$50.00 or provide up to 10 hours of
2 community service, or both.

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

4 § 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

5 (a) The Court shall not permit public access via the internet to ~~criminal,~~
6 family, or probate case records. ~~The Court may permit criminal justice~~
7 ~~agencies, as defined in 20 V.S.A. § 2056a, internet access to criminal case~~
8 ~~records for criminal justice purposes, as defined in 20 V.S.A. § 2056a.~~

9 (b) Notwithstanding subsection (a) of this section, the Court shall provide
10 licensed Vermont attorneys in good standing with access via the internet,
11 through the Judiciary's public portal website or otherwise, to nonconfidential
12 ~~criminal, family, and probate case records.~~

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

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

17 (1) court schedules of the Superior Court ~~or opinions of the Criminal~~
18 ~~Division of the Superior Court;~~

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

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

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

4 § 506. JUDGMENTS

5 (a) Actions on judgments and actions for the renewal or revival of
6 judgments shall be brought in the Civil Division of the Superior Court by
7 filing a new and independent action on the judgment within eight years after
8 the rendition of the judgment, and not after.

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

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

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

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

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

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

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

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

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

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

2 § 2683. EXECUTIONS ON JUDGMENTS OF ~~DISTRICT~~ SUPERIOR

3 COURTS; TIME

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

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

9 § 4601. ~~APPEALS IN FORECLOSURE ACTIONS~~

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

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

13 § 5131. DEFINITIONS

14 As used in this chapter:

15 (1)(A) “Course of conduct” means:

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

19 (ii) use of any electronic, digital, or precise geolocation device or
20 software or application to surveil a specific person or a specific person’s

1 internet or wireless activity continuously for 12 hours or more or on two or
2 more occasions over a period of time, however short, without authorization.

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

5 Constitutionally protected activity is not included within the meaning of
6 “course of conduct.”

7 (C) As used in subdivision (A) of this subdivision (1):

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

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

12 * * *

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

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

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

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

20 (ii) significant modifications in the person’s actions or routines,
21 including moving from an established residence, changes to established daily

1 routes to and from work that cause a serious disruption in the person’s life,
2 changes to the person’s employment or work schedule, or the loss of a job or
3 time from work.

4 * * *

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

6 § 1061. DEFINITIONS

7 As used in this subchapter:

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

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

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

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

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

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

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

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

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

13 * * *

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

15 § 5351. DEFINITIONS

16 As used in this chapter:

17 * * *

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

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

1 ~~(B) 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 ~~(C) any property that the defendant obtained or any income generated~~
5 ~~as a result of having committed the crime, including any assets obtained~~
6 ~~through 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 ~~(D) any property defendant obtained or any income generated from~~
11 ~~the sale of tangible property the value of which is increased by the notoriety~~
12 ~~gained from the conviction of an offense by the person accused or convicted of~~
13 ~~the crime. [Repealed.]~~

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

15 § 5352. VICTIMS COMPENSATION BOARD

16 (a) The Victims Compensation Board is established for the purpose of
17 awarding compensation to victims of crimes and to their dependents. The
18 Board shall consist of five members appointed by the Governor as follows:
19 one ~~physician~~ health care provider as defined in 18 V.S.A. § 9402 licensed to
20 practice in this State, one attorney admitted to practice in this State, one
21 individual who is a crime victim, and two public members. Each member

1 shall serve for a term of three years. A vacancy shall be filled in the same
2 manner as the original appointment for the remainder of the unexpired term.

3 * * *

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

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

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

14 § 5363. CRIME VICTIMS' RESTITUTION SPECIAL FUND

15 * * *

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

1 Compensation Fund and the Crime Victims Special Restitution Fund in
2 proportion to the amount which each paid.

3 (f)(1) In no event shall the amount of restitution advanced to the victims of
4 a single crime spree during a single fiscal year under this title exceed five
5 percent of the balance of the Fund at the end of the prior fiscal year. If this
6 section applies, an advance payment to a victim shall be reduced by the same
7 percentage that the Restitution Unit reduces the total amount advanced to all
8 victims in connection with the crime spree. Unless otherwise ordered by the
9 court, the Restitution Unit shall determine the offenders and crimes
10 encompassed within a crime spree.

11 (2) A victim whose advance payment is reduced pursuant to this
12 subsection shall be entitled to receive additional advance payments during
13 subsequent fiscal years until the restitution order has been satisfied or the
14 \$10,000.00 \$5,000.00 cap has been reached, whichever occurs first.

15 * * *

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

17 § 5421. NOTICE OF PROFITS FROM A CRIME

18 (a) ~~Every person, firm, corporation, partnership, association, or other legal~~
19 ~~entity that knowingly contracts for, pays, or agrees to pay any profits from a~~
20 ~~crime, as defined in subdivision 5351(8) of this title, to a person charged with~~
21 ~~or convicted of that crime shall give written notice to the Attorney General of~~

1 the payment or obligation to pay as soon as is practicable after discovering that
2 the payment is or will be a profit from a crime.

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

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

8 § 5422. ACTIONS TO RECOVER PROFITS FROM A CRIME

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

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

20 (c) If the full value of any profits from the crime has not yet been claimed
21 by either the victim of the crime or the victim's representative, the Attorney

1 General, or both, within three years of the discovery of such profits, then the
2 State may bring a civil action in a court of competent jurisdiction to recover
3 the costs incurred by providing the defendant with counsel, if any, and other
4 costs reasonably incurred or to be incurred in the incarceration of the
5 defendant.

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

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

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

16 § 7043. RESTITUTION

17 * * *

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

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

20 (B) cash, credit card, or installment payments paid to the Restitution

21 Unit; or

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

2 (2) In the event of a victim's crime-related death, the court may, at the
3 request of the Restitution Unit, direct the Unit to pay up to \$10,000.00
4 \$5,000.00 from the Restitution Fund to the victim's estate to cover future
5 uninsured material losses caused by the death.

6 * * *

7 Sec. 19. 13 V.S.A. § 7554c is amended to read:

8 § 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

9 (a)(1) The objective of a pretrial needs screening is to obtain a preliminary
10 indication of whether a person has a substantial substance abuse or mental
11 health issue that would warrant a subsequent court order for a more detailed
12 clinical assessment.

13 * * *

14 (e)(1) Information obtained from the person during the risk assessment or
15 needs screening shall be exempt from public inspection and copying under the
16 Public Records Act and, except as provided in subdivision (2) of this
17 subsection, only may be used for determining bail, conditions of release, and
18 appropriate programming for the person in the pending case. The information
19 a pretrial services coordinator may report is limited to whether a risk
20 assessment indicates risk of nonappearance, whether further substance use
21 assessment or treatment is indicated, whether mental health assessment or

1 treatment is indicated, whether a person participated in a clinical assessment,
2 and whether further engagement with pretrial services is recommended, unless
3 the person provides written permission to release additional information.

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

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

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

1 Services shall be responsible for the destruction of records when ordered by
2 the court.

3 * * *

4 Sec. 20. REPEALS; SPENDTHRIFT GUARDIANSHIPS

5 14 V.S.A. §§ 2681 (spendthrift, defined), 2684 (spendthrift; hearing;
6 notice), 2685 (decree; appeal), 2687 (expense of resisting application), 2690
7 (guardian to give notice that ward's contracts and transfers will be void), 2691
8 (spouse to support and have custody), 2692 (extent of guardian's control), and
9 2693 (married woman may be guardian) are repealed.

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

11 § 505. CREDITOR'S CLAIM AGAINST SETTLOR

12 * * *

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

19 * * *

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

2 (A) notwithstanding 1 V.S.A. § 214, this subsection (c) applies to all
3 trusts created before, on, or after April 24, 2025, and to property held by
4 spouses as tenants by the entirety that is conveyed before, on, or after April 24,
5 2025; and

6 (B) this subsection (c) applies to all judicial proceedings concerning
7 trusts commenced on or after April 24, 2025.

8 Sec. 22. 15 V.S.A. § 603(h) is amended to read:

9 (h) Order upon finding of contempt. Upon a finding of contempt, the court
10 shall determine appropriate sanctions to obtain compliance with the court
11 order. The court may order any of the following:

12 * * *

13 (4) Incarceration of the person unless ~~he or she~~ the person complies with
14 purge conditions established by the court. A court may order payment of all or
15 a portion of the unpaid financial obligation as a purge condition, providing that
16 the court finds that the person has the present ability to pay the amount ordered
17 and sets a date certain for payment. If the purge conditions are not met by the
18 date established by the court and the date set for payment is within 30 days of
19 finding of ability to pay, the court may issue a mittimus placing the contemnor
20 in the custody of the Commissioner of Corrections.

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

2 § 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

3 * * *

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

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

9 (2) A person under 16 years of age who knowingly and unlawfully
10 possesses 224 milligrams or less of buprenorphine commits a delinquent act
11 and shall be subject to the provisions of section 4230j of this title.

12 Sec. 26. 27 V.S.A. § 2 is amended to read:

13 § 2. ESTATE IN COMMON PREFERRED TO JOINT TENANCY; JOINT
14 TENANCY WITH UNEQUAL SHARES

15 (a) Conveyances and devises of lands, whether for years, for life or in fee,
16 made to two or more persons, shall be construed to create estates in common
17 and not in joint tenancy, unless it is expressed ~~therein~~ in either the grant clause
18 or the habendum clause of the instrument transferring title that the grantees or
19 devisees shall take the lands jointly or as joint tenants or in joint tenancy or to
20 them and the survivors of them. ~~This provision~~ The requirement to specify a
21 tenancy shall not apply to devises or conveyances made in trust or made to

1 spouses or to conveyances in which it manifestly appears from the tenor of the
2 instrument that it was intended to create an estate in joint tenancy. A
3 conveyance to two or more persons as joint tenants, as joint tenants with rights
4 of survivorship, or to them and the survivors of them that also includes the
5 grantees heirs and assigns shall not be construed to create an estate in
6 common.

7 * * *

8 Sec. 27. RETROACTIVE APPLICATION

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

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

13 § 304. ASSIGNMENT OF LEASE TO BE BY DEED

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

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

2 § 1101. FINDER TO GIVE NOTICE

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

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

10 (c) In addition to the information required under subsection 6935(b) of this
11 title, every order issued under this section shall state upon its face a date, time,
12 and place when the defendant may appear to petition the court for modification
13 or discharge of the order. When service of the temporary order cannot be
14 made before the scheduled hearing, the court shall continue the hearing and
15 extend the terms of any temporary order upon request of the plaintiff for such
16 additional time as it deems necessary to achieve service on the defendant. The
17 defendant's opportunity to contest shall be scheduled as soon as reasonably
18 possible, but in no event later than ~~10~~ 14 days from the date of issuance of the
19 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.

1 *Sec. ~~31~~41. EFFECTIVE DATES*

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