

1 S.94

2 Introduced by Senators Vyhovsky and Plunkett

3 Referred to Committee on

4 Date:

5 Subject: Executive; Attorney General; crimes

6 Statement of purpose of bill as introduced: This bill proposes to designate the
7 Attorney General as the primary enforcement authority for certain criminal
8 offenses.

9 An act relating to the duty of the Attorney General to enforce certain
10 criminal offenses

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

12 Sec. 1. 3 V.S.A. § 152 is amended to read:

13 § 152. SCOPE OF AUTHORITY

14 (a) The Attorney General may represent the State in all civil and criminal
15 matters as at common law and as allowed by statute. The Attorney General
16 shall also have the same authority throughout the State as a State's Attorney.
17 The Attorney General shall represent members of the General Assembly in all
18 civil matters arising from or relating to the performance of legislative duties.

19 (b)(1) Except as provided in subdivision (2) of this subsection,
20 notwithstanding any other provision of law, the Attorney General shall take

1 primary, but not exclusive, authority for representing the State in the following
2 matters:

3 (A) all criminal charges in which the State's Attorney in the county
4 where the charge would be brought has a conflict of interest that necessitates a
5 change in prosecution for the State;

6 (B) cases related to allegations of law enforcement use of excessive
7 force and law enforcement discharge of a weapon that results in bodily injury,
8 serious bodily injury, or death;

9 (C) cases in which a locally elected official has allegedly committed
10 a crime;

11 (D) cases in which the alleged criminal activity occurred in more
12 than one county;

13 (E) Judicial Bureau appeals pursuant to 4 V.S.A. § 1107;

14 (F) fish and wildlife conservation violations under Title 10 part 4,
15 except for minor fish and wildlife violations as defined in 10 V.S.A. § 4572;

16 (G) abuse, neglect, and exploitation of vulnerable adults pursuant to
17 13 V.S.A. chapter 28;

18 (H) home improvement and land improvement fraud pursuant to
19 13 V.S.A. § 2029;

20 (I) human trafficking pursuant to 13 V.S.A. chapter 60, subchapter 1;

21 (J) timber trespass pursuant to 13 V.S.A. § 3606a;

1 (K) truancy pursuant to 16 V.S.A. § 1127;

2 (L) involuntary commitment proceedings pursuant to 13 V.S.A.

3 § 4820 and 18 V.S.A. chapter 181; and

4 (M) fraud relating to public assistance benefits pursuant to 33 V.S.A.

5 chapter 1, subchapter 5.

6 (2) A State's Attorney and the Attorney General may stipulate that the

7 State's Attorney will prosecute a particular case that falls within the categories

8 in subdivision (1) of this subsection. Absent such stipulation, the Attorney

9 General shall have primary enforcement authority for the State.

10 Sec. 2. EFFECTIVE DATE

11 This act shall take effect on September 1, 2025.