

1 S.109

2 An act relating to miscellaneous judiciary procedures

3 The Senate concurs in the House proposal of amendment with further
4 proposal of amendment by striking out all after the enacting clause and
5 inserting in lieu thereof the following:

6 Sec. 1. 3 V.S.A. § 164 is amended to read:

7 § 164. ADULT COURT DIVERSION PROGRAM

8 (a) Purpose.

9 (1) The Attorney General shall develop and administer an adult court
10 diversion program, for both pre-charge and post-charge referrals, available in
11 all counties.

12 (2) The program shall be designed to provide a restorative option for
13 persons alleged to have caused harm in violation of a criminal statute or who
14 have been charged with violating a criminal statute as well as for victims or
15 those acting on a victim's behalf who have been allegedly harmed by the
16 ~~responsible party~~ person referred to the program. The diversion program can
17 accept referrals to the program as follows:

18 * * *

19 (c) Adult diversion program policy and referral requirements.

20 * * *

14 * * *

15 Sec. 2. 4 V.S.A. § 71 is amended to read:

16 § 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

(a) ~~There shall be 34 Superior judges, whose term of office shall, The~~
number of Superior judges shall be as determined by the General Assembly.
The term of office of a Superior judge shall, except in the case of an

1 appointment to fill a vacancy or unexpired term, begin on April 1 in the year of
2 their appointment or retention and continue for six years.

3 * * *

4 Sec. 3. 4 V.S.A. § 1102 is amended to read:

5 § 1102. JUDICIAL BUREAU; JURISDICTION

6 (a) The Judicial Bureau is created within the Judicial Branch under the
7 supervision of the Supreme Court.

8 (b) The Judicial Bureau shall have jurisdiction of the following matters:

9 * * *

10 (4) Violations of 7 V.S.A. § 1005, relating to possession and
11 procurement of tobacco products by a person under 21 years of age.

12 * * *

13 Sec. 4. 4 V.S.A. § 1106 is amended to read:

14 § 1106. HEARING

15 * * *

16 (d) ~~A~~ Unless otherwise provided by law, a law enforcement officer may
17 void or amend a complaint issued by that officer by so marking the complaint
18 and returning it to the Bureau, regardless of whether the amended complaint is
19 a lesser included violation. At the hearing, a law enforcement officer may,

1 unless otherwise provided by law, void or amend a complaint issued by that
2 officer in the discretion of that officer.

3 * * *

4 Sec. 5. 7 V.S.A. § 1005(c) is amended to read:

5 (c) A person under 21 years of age who misrepresents ~~his or her~~ the
6 person's age by presenting false identification to purchase tobacco products,
7 tobacco substitutes, or tobacco paraphernalia shall be ~~fined~~ subject to a civil
8 penalty of not more than \$50.00 or provide up to 10 hours of community
9 service, or both.

10 Sec. 6. 12 V.S.A. § 5 is amended to read:

11 § 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

12 (a) The Court shall not permit public access via the ~~Internet~~ internet to
13 criminal, family, or probate case records. The Court may permit criminal
14 justice agencies, as defined in 20 V.S.A. § 2056a, ~~Internet~~ internet access to
15 criminal case records for criminal justice purposes, as defined in 20 V.S.A.
16 § 2056a.

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

1 (c) This section shall not be construed to prohibit the Court from providing
2 electronic access to:

3 (1) court schedules of the Superior Court or opinions of the Criminal
4 Division of the Superior Court;

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

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

10 Sec. 7. 12 V.S.A. § 4937 is amended to read:

11 § 4937. ATTORNEY'S FEES

12 When a mortgage contains an agreement on the part of the mortgagor to pay
13 the mortgagee, in the event of foreclosure, the attorney's fees incident thereto,
14 and claim is made therefor in the complaint, ~~upon hearing,~~ the court in which
15 the complaint is brought shall allow such fee as in its judgment is just.

16 Sec. 8. 13 V.S.A. § 4013 is amended to read:

17 § 4013. ZIP GUNS; ~~SWITCHBLADE KNIVES~~

18 A person who possesses, sells, or offers for sale a weapon commonly
19 known as a "zip" gun, ~~or a weapon commonly known as a switchblade knife,~~

1 ~~the blade of which is three inches or more in length~~, shall be imprisoned not
2 more than 90 days or fined not more than \$100.00, or both.

3 Sec. 9. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS

4 The court shall order the expungement of criminal history records of
5 convictions of 13 V.S.A. § 4013 for possessing, selling, or offering for sale a
6 switchblade knife that occurred prior to July 1, 2025. The process and effect
7 for expungement of these records shall be as provided for in 13 V.S.A. § 7606
8 and shall be completed by the court and all entities subject to the order not later
9 than July 1, 2026.

10 Sec. 10. 13 V.S.A. § 5351(7) is amended to read:

11 (7) "Victim" means:

12 (A) a person who sustains injury or death as a direct result of the
13 commission or attempted commission of a crime;

14 (B) an intervenor who is physically injured or killed in an attempt to
15 assist the person described in subdivision (A) of this subdivision (7) or ~~the~~
16 ~~police~~ a protected professional as defined in subdivision 1028(d)(1) of this
17 title;

18 (C) a surviving immediate family member of a homicide victim,
19 including a spouse, domestic partner, parent, sibling, child, grandparent, or
20 other survivor who may suffer severe emotional harm as a result of the

1 victim's death as determined on a case-by-case basis in the discretion of the
2 Board; or

3 (D) a resident of this State who is injured or killed as the result of a
4 crime committed outside the United States.

5 Sec. 11. 13 V.S.A. § 7282 is amended to read:

6 § 7282. SURCHARGE

7 * * *

8 (c) ~~SIU surcharge~~. In addition to any penalty or fine imposed by the court
9 for a criminal offense committed after July 1, 2009, the clerk of the court shall
10 levy an additional surcharge of \$100.00 to be deposited in the General Fund, in
11 support of the Specialized Investigative Unit Grants Board created in 24
12 V.S.A. § 1940(c), and used to pay for the costs of Specialized Investigative
13 Units.

14 Sec. 12. 14 V.S.A. § 2 is amended to read:

15 § 2. DEPOSIT OF WILL FOR SAFEKEEPING; DELIVERY; FINAL
16 DISPOSITION

17 (a) A will may be deposited for safekeeping in the Probate Division of the
18 Superior Court for the district in which the testator resides on payment to the
19 court of the applicable fee required by ~~32 V.S.A. § 1434(a)(17)~~ 32 V.S.A.

1 Sec. 14. 14 V.S.A. § 4051 is amended to read:

2 § 4051. STATUTORY FORM POWER OF ATTORNEY

3 A document substantially in the following form may be used to create a
4 statutory form power of attorney that has the meaning and effect prescribed by
5 this chapter.

6 VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT
7 INFORMATION

8 * * *

9 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

10 My agent MAY NOT do any of the following specific acts for me UNLESS I
11 have INITIALED the specific authority listed below:

12 (CAUTION: Granting any of the following will give your agent the authority
13 to take actions that could significantly reduce your property or change how
14 your property is distributed at your death. INITIAL ONLY the specific
15 authority you WANT to give your agent.)

16 () An agent who is not an ancestor, spouse, or descendant may exercise
17 authority under this power of attorney to create in the agent or in an individual
18 to whom the agent owes a legal obligation of support an interest in my
19 property whether by gift, rights of survivorship, beneficiary designation,
20 disclaimer, or otherwise

- 1 () Create, amend, revoke, or terminate an inter vivos, family, living,
- 2 irrevocable, or revocable trust
- 3 () Consent to the modification or termination of a noncharitable irrevocable
- 4 trust under 14A V.S.A. § 411
- 5 () Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any
- 6 special instructions in this power of attorney
- 7 ~~() Consent to the modification or termination of a noncharitable irrevocable~~
- 8 ~~trust under 14A V.S.A. § 411~~
- 9 () Create, amend, or change rights of survivorship
- 10 () Create, amend, or change a beneficiary designation
- 11 () Waive the principal's right to be a beneficiary of a joint and survivor
- 12 annuity, including a survivor benefit under a retirement plan
- 13 () Exercise fiduciary powers that the principal has authority to delegate
- 14 () Authorize another person to exercise the authority granted under this power
- 15 of attorney
- 16 () Disclaim or refuse an interest in property, including a power of appointment
- 17 () Exercise authority with respect to elective share under 14 V.S.A. § 319
- 18 () Exercise waiver rights under 14 V.S.A. § 323

- 1 () Exercise authority over the content and catalogue of electronic
2 communications and digital assets under 14 V.S.A. chapter 125 (Vermont
3 Revised Uniform Fiduciary Access to Digital Assets Act)
4 () Exercise authority with respect to intellectual property, including, without
5 limitation, copyrights, contracts for payment of royalties, and trademarks
6 () Convey, or revoke or revise a grantee designation, by enhanced life estate
7 deed pursuant to 27 V.S.A. chapter 6 or under common law.

8 * * *

9 Sec. 15. 14A V.S.A. § 1316 is amended to read:

10 § 1316. OFFICE OF TRUST DIRECTOR

11 Unless the terms of a trust provide otherwise, the rules applicable to a
12 trustee apply to a trust director regarding the following matters:

- 13 (1) acceptance under section 701 of this title;
14 (2) giving of bond to secure performance under section 702 of this title;
15 (3) reasonable compensation under section 708 of this title;
16 (4) resignation under section 705 of this title;
17 (5) removal under section 706 of this title; and
18 (6) vacancy and appointment of successor under section 704 of this title.

1 Sec. 16. 33 V.S.A. § 5204(b)(2)(A) is amended to read:

2 (2)(A)(i) The Family Division of the Superior Court shall hold a hearing
3 under subsection (c) of this section to determine whether jurisdiction should be
4 transferred to the Criminal Division under subsection (a) of this section if the
5 delinquent act set forth in the petition is:

6 (I) [Repealed.]

7 (II) human trafficking or aggravated human trafficking in
8 violation of 13 V.S.A. § 2652 or 2653;

9 (III) defacing a firearm's serial number in violation of ~~13~~
10 ~~V.S.A. § 4024~~ 13 V.S.A. § 4026; or

11 (IV) straw purchasing of firearm in violation of 13 V.S.A.
12 § 4025; and

13 (ii) the child had attained 16 years of age but not 19 years of age at
14 the time the act was alleged to have occurred.

15 Sec. 17. 33 V.S.A. § 5225 is amended to read:

16 § 5225. PRELIMINARY HEARING; RISK ASSESSMENT

17 (a) Preliminary hearing. A preliminary hearing shall be held at the time
18 and date specified on the citation or as otherwise ordered by the court. If a
19 child is taken into custody prior to the preliminary hearing, the preliminary

1 hearing shall be at the time of the temporary care hearing. Counsel for the
2 child shall be assigned prior to the preliminary hearing.

3 (b) Risk and needs screening.

4 (1) Prior to the preliminary hearing, the child shall be afforded an
5 opportunity to undergo a risk and needs screening, which shall be conducted
6 by the Department or by a community provider that has contracted with the
7 Department to provide risk and need screenings for children alleged to have
8 committed delinquent acts.

9 (2) If the child participates in such a screening, the Department or the
10 community provider shall report the risk level result of the screening, the
11 number and source of the collateral contacts made, and the recommendation
12 for charging or other alternatives to the State's Attorney. The State's Attorney
13 shall consider the results of the risk and needs screening in determining
14 whether to file a charge. In lieu of filing a charge, the State's Attorney may
15 refer a child directly to a youth-appropriate community-based provider that has
16 been approved by the Department, which may include pre-charge diversion
17 pursuant to 3 V.S.A. § 163, a community justice center, or a balanced and
18 restorative justice program. Referral to a community-based provider pursuant
19 to this subsection shall not require the State's Attorney to file a charge. If the
20 community-based provider does not accept the case or if the child fails to

1 complete the program in a manner deemed satisfactory and timely by the
2 provider, the child's case shall return to the State's Attorney for charging
3 consideration.

4 * * *

5 Sec. 18. 27 V.S.A. § 348 is amended to read:

6 § 348. INSTRUMENTS CONCERNING REAL PROPERTY VALIDATED

7 (a) When an instrument of writing shall have been on record in the office of
8 the clerk in the proper town for a period of 15 years, and there is a defect in the
9 instrument because it omitted to state any consideration or was not sealed,
10 witnessed, acknowledged, validly acknowledged, or because a license to sell
11 was not issued or is defective, the instrument shall, from and after the
12 expiration of 15 years from the filing thereof for record, be valid. Nothing in
13 this section shall be construed to affect any rights acquired by grantees,
14 assignees, or encumbrancers under the instruments described in the preceding
15 sentence, nor shall this section apply to conveyances or other instruments of
16 writing, the validity of which is brought in question in any suit now pending in
17 any courts of the State.

18 * * *

19 (d) A release, discharge, or assignment of mortgage interest executed by a
20 commercial lender with respect to a one- to four-family residential real

1 property, including a residential unit in a condominium or in a common
2 interest community as defined in Title 27A, that recites authority to act on
3 behalf of the record holder of the mortgage under a power of attorney but
4 where the power of attorney is not of record shall have the same effect as if
5 executed by the record holder of the mortgage unless, within three years after
6 the instrument is recorded, an action challenging the release, discharge, or
7 assignment is commenced and a copy of the complaint is recorded in the land
8 records of the town where the release, discharge, or assignment is recorded.
9 This subsection shall not apply to releases, discharges, or assignments obtained
10 by fraud or forgery.

11 (e) A power of attorney made for the purpose of conveying, leasing,
12 mortgaging, or affecting any interest in real property that has been
13 acknowledged and signed in the presence of at least one witness shall be valid,
14 notwithstanding its failure to comply with 14 V.S.A. § 3503 or the
15 requirements of the Emergency Administrative Rules for Remote Notarial Acts
16 adopted by the Vermont Secretary of State, unless within three years after
17 recording, an action challenging its validity is commenced and a copy of the
18 complaint is recorded in the land records of the town where the power of
19 attorney is recorded. This subsection shall not apply to a power of attorney
20 obtained by fraud or forgery.

1		2024	2025
2	(1) Chief Justice of Supreme Court	\$214,024	\$225,581
3	(2) Each Associate Justice	\$204,264	\$215,294
4	(3) Administrative <u>Chief Superior</u> Judge	\$204,264	\$215,294
5	(4) Each Superior Judge	\$194,185	\$204,671
6	(5) [Repealed.]		
7	(6) Each Magistrate	\$146,413	\$154,319
8	(7) Each Judicial Bureau hearing		
9	officer	\$146,413	\$154,319

10 * * *

11 Sec. 20. 2023 Acts and Resolves No. 27, Sec. 5 (forensic facility report) is
12 amended to read:

13 Sec. 5. [Deleted.]

14 Sec. 21. 2023 Acts and Resolves No. 40, Sec. 4 is amended to read:

15 Sec. 4. REPEALS

16 * * *

17 (c) 28 V.S.A. § 126 (Coordinated Justice Reform Advisory Council) is
18 repealed on ~~July 1, 2028~~ July 1, 2025.

19 Sec. 22. [Deleted.]

20 Sec. 23. [Deleted.]

1 Sec. 24. FIREARM SURRENDER ORDER COMPLIANCE WORKING
2 GROUP; REPORT

3 (a) Creation. The Office of the Attorney General shall convene a Firearm
4 Surrender Order Compliance Working Group to develop a uniform process to
5 ensure compliance with court orders to surrender firearms. The Working
6 Group shall examine the statutory or policy changes necessary to create a
7 uniform process to monitor compliance, support entities charged with storing
8 and returning surrendered firearms pursuant to court orders, and identify a
9 stable and reliable funding source for any additional resources needed to
10 monitor compliance.

11 (b) Membership. The Working Group shall be composed of the following
12 members:

13 (1) the Attorney General or designee, who shall be the chair;

14 (2) the Chief Superior Court Judge or designee;

15 (3) the Defender General or designee;

16 (4) one State's Attorney or designee, appointed by the Department of
17 State's Attorneys and Sheriffs;

18 (5) a member, appointed by the Vermont Network Against Domestic
19 and Sexual Violence;

- 1 (6) a member of the Vermont State Police, appointed by the
- 2 Commissioner of Public Safety;
- 3 (7) a police chief, appointed by the Vermont Association of Chiefs of
- 4 Police;
- 5 (8) a federal firearms licensee, appointed by the Attorney General;
- 6 (9) the Vermont Center for Crime Victim Services; and
- 7 (10) the Vermont Council on Domestic Violence.
- 8 (c) Consultation. The Working Group shall consult with stakeholders
- 9 including:
- 10 (1) the Commissioner of Corrections;
- 11 (2) family law practitioners;
- 12 (3) victim advocates;
- 13 (4) advocates from culturally specific advocacy organizations that work
- 14 with domestic violence victims;
- 15 (5) the Vermont Federation of Sportsmen's Clubs;
- 16 (6) the Vermont Office of the Bureau of Alcohol Tobacco and Firearms;
- 17 (7) the Vermont Medical Society;
- 18 (8) the Commissioner of Mental Health; and
- 19 (9) the Commissioner of Fish and Wildlife.

- 1 (d) Report. On or before November 15, 2025, the Working Group shall
2 report its recommendations to the House and Senate Committees on Judiciary
3 and to the Joint Legislative Justice Oversight Committee. The report shall
4 include:
- 5 (1) a workable statewide compliance model that is adaptable to both the
6 Family and Criminal Divisions of the Superior Courts and that ensures:
- 7 (A) accountability of respondents and defendants while addressing
8 safety needs of the plaintiffs and victims; and
- 9 (B) proper storage and return of firearms surrendered pursuant to
10 court orders; and
- 11 (2) recommendations for any legislative changes necessary to support
12 the model.
- 13 (e) Meetings. The Working Group shall meet not more than six times.
- 14 (f) Compensation and reimbursement. Members of the Working Group
15 who are not employees of the State of Vermont or who are not otherwise
16 compensated or reimbursed for their attendance shall be entitled to
17 compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010
18 for not more than six meetings.

1 Sec. 25. 15A V.S.A. § 3-504 is amended to read:

2 § 3-504. GROUNDS FOR TERMINATING RELATIONSHIP OF PARENT
3 AND CHILD

4 (a) If a respondent answers or appears at the hearing and asserts parental
5 rights, the court shall proceed with the hearing expeditiously. If the court
6 finds, upon clear and convincing evidence, that any one of the following
7 grounds exists and that termination is in the best interests of the minor, the
8 court shall order the termination of any parental relationship of the respondent
9 to the minor:

10 * * *

11 (2) In the case of a minor over six months of age at the time the petition
12 is filed, the respondent did not exercise parental responsibility for a period of
13 at least six months immediately preceding the filing of the petition. In making
14 a determination under this subdivision, the court shall consider all relevant
15 factors, which may include the respondent's failure to:

16 (A) make reasonable and consistent payments, in accordance with the
17 respondent's financial means, for the support of the minor, although legally
18 obligated to do so;

19 (B) regularly communicate or visit with the minor; or

1 (C) during any time the minor was not in the physical custody of the
2 other parent, manifest an ability and willingness to assume legal and physical
3 custody of the minor.

4 * * *

5 Sec. 25a. 33 V.S.A. § 5231(d) is amended to read:

6 (d) Termination of parental rights. If the Commissioner or the attorney for
7 the child seeks an order terminating parental rights of one or both parents and
8 transfer of custody to the Commissioner without limitation as to adoption, the
9 court shall consider the best interests of the child in accordance with section
10 5114 of this title. The Department's Family Services Division shall not
11 consider payment of child support to the Family Services Division to offset the
12 cost of foster care as a factor in a petition to terminate parental rights.

13 Sec. 25b. 33 V.S.A. § 5317(d) is amended to read:

14 (d) Termination of parental rights. If the Commissioner or the attorney for
15 the child seeks an order at disposition terminating the parental rights of one or
16 both parents and transfer of legal custody to the Commissioner without
17 limitation as to adoption, the court shall consider the best interests of the child
18 in accordance with section 5114 of this title. The Department's Family
19 Services Division shall not consider payment of child support to the Family

1 Services Division to offset the cost of foster care as a factor in a petition to
2 terminate parental rights.

3 Sec. 26. Sec. 1. 15 V.S.A. § 202 is amended to read:

4 § 202. PENALTY FOR DESERTION OR NONSUPPORT

5 A married person who, without just cause, shall desert or willfully neglect
6 or refuse to provide for the support and maintenance of ~~his or her~~ the person's
7 spouse and children, leaving them in destitute or necessitous circumstances or
8 a parent who, without lawful excuse, shall desert or willfully neglect or refuse
9 to provide for the support and maintenance of ~~his or her~~ the child ~~or an adult~~
10 ~~child possessed of sufficient pecuniary or physical ability to support his or her~~
11 ~~parents, who unreasonably neglects or refuses to provide such support when~~
12 ~~the parent is destitute, unable to support himself or herself, and resident in this~~
13 ~~State,~~ shall be imprisoned not more than two years or fined not more than
14 \$300.00, or both. Should a fine be imposed, the court may order the same to
15 be paid in whole or in part to the needy spouse, ~~parent,~~ or to the guardian,
16 custodian, or trustee of the child. The Office of Child Support attorneys, in
17 addition to any other duly authorized person, may prosecute cases under this
18 section in Vermont Superior Court.

19 Sec. 27. 28 V.S.A. § 818 is amended to read:

20 § 818. EARNED TIME; REDUCTION OF TERM

1 * * *

2 (b) The earned time program implemented pursuant to this section shall
3 comply with the following standards:

4 * * *

5 (4) The Department shall:

6 (A) ensure that all victims of record are notified of the earned time
7 program at its outset and made aware of the option to receive notifications
8 from the Department pursuant to this subdivision;

9 (B) provide timely notice not less frequently than every 90 days to
10 the offender, and to any victim who opts to receive the notice, any time the
11 offender receives a reduction in ~~his or her~~ the offender's term of supervision
12 pursuant to this section;

13 (C) maintain a system that documents and records all such reductions
14 in each offender's permanent record; and

15 (D) record any reduction in an offender's term of supervision
16 pursuant to this section on a monthly basis and ensure that victims who want
17 information regarding changes in ~~scheduled~~ an offender's minimum release
18 ~~dates~~ date have access to such information.

19 * * *

1 Sec. 28. VICTIM NOTIFICATION SYSTEM TASK FORCE; REPORT

2 (a) Creation. There is created the Victim Notification System Task Force
3 to review and improve the responsiveness of Vermont's victim notification
4 system.

5 (b) Membership. The Task Force shall be composed of the following
6 members:

7 (1) the Commissioner of Corrections or designee;

8 (2) the Executive Director of the Center for Crime Victim Services or
9 designee;

10 (3) the Executive Director of the Department of State's Attorneys and
11 Sheriffs or designee;

12 (4) a member, appointed by the Vermont Network Against Domestic
13 and Sexual Violence;

14 (5) the Victims Service Director of the Vermont State Police;

15 (6) two persons who are either victims or survivors of crimes, appointed
16 by the Center for Crime Victim Services; and

17 (7) a member, appointed by the Commissioner of Corrections, who is
18 familiar with the capability and technical operations of the VINE system.

19 (c) Powers and duties. The Task Force shall study the current state of
20 Vermont's victim notification system, including:

1 (1) improving victims' accessibility to information;

2 (2) ensuring that the entire notification process is trauma-informed,
3 including all notifications, communications, and informational materials;

4 (3) expanding the use of automated notification systems in order to
5 increase options and maximize communication choices for victims and
6 survivors; and

7 (4) recommendations for necessary training and resources.

8 (d) Assistance. The Task Force shall have the administrative, technical,
9 and legal assistance of the Department of Corrections.

10 (e) Report. On or before November 15, 2025, the Task Force shall submit
11 its findings and recommendations as a written report in the form of proposed
12 legislation to the Joint Legislative Justice Oversight Committee, the House
13 Committees on Corrections and Institutions and on Judiciary, and the Senate
14 Committees on Institutions and on Judiciary.

15 (f) Meetings.

16 (1) The Commissioner of Corrections or designee shall call the first
17 meeting of the Task Force to occur on or before August 1, 2025.

18 (2) The Committee shall select a chair from among its members at the
19 first meeting.

20 (3) A majority of the membership shall constitute a quorum.

1 (4) The Task Force shall cease to exist on February 15, 2026.

2 Sec. 29. 4 V.S.A. § 39 is amended to read:

3 § 39. CAPITAL BUDGET REQUESTS; COUNTY COURTHOUSES

4 (a) On or before October 1 each year, any county requesting capital funds
5 for its courthouse, or court operations, shall submit a request to the Court
6 Administrator. As used in this subsection, “court operations” does not include
7 operating expenses.

8 (b) The Court Administrator shall evaluate requests based on the following
9 criteria:

10 (1) whether the funding request is consistent with a capital program
11 developed pursuant to 24 V.S.A. § 133(e)(3);

12 (2) whether the project that is the subject of the request has been
13 included in the list of capital projects in the county’s budget pursuant to 24
14 V.S.A. § 133(e)(1), and, if so, the description of the project included in the
15 budget;

16 (3) whether the county has established a capital reserve fund pursuant to
17 24 V.S.A. § 133(e)(3), and, if so, the amount of annual contributions the
18 county has made to the fund;

19 (4) whether the funding request relates to an emergency that will affect
20 the court operations and the administration of justice;

- 1 ~~(2)~~(5) whether there is a State-owned courthouse in the county that
2 could absorb court activities in lieu of this capital investment;
3 ~~(3)~~(6) whether the county consistently has invested in major
4 maintenance in the courthouse;
5 ~~(4)~~(7) whether the request relates to a State-mandated function;
6 ~~(5)~~(8) whether the request diverts resources of other current Judiciary
7 capital priorities;
8 ~~(6)~~(9) whether the request is consistent with the long-term capital needs
9 of the Judiciary, including providing court services adapted to modern needs
10 and requirements; and
11 ~~(7)~~(10) any other criteria as deemed appropriate by the Court
12 Administrator.
13 (c) Based on the criteria described in subsection (b) of this section, the
14 Court Administrator shall make a recommendation to the Commissioner of
15 Buildings and General Services regarding whether the county's request should
16 be included as part of the Judiciary's request for capital funding in the
17 Governor's annual proposed capital budget request.
18 (d) On or before January 15 of each year, the Court Administrator shall
19 advise the House Committee on Corrections and Institutions and the Senate

1 Committee on Institutions of all county requests received and the Court
2 Administrator's recommendations for the proposed capital budget request.

3 Sec. 30. 23 V.S.A. § 1210(c) is amended to read:

4 (c) Second offense. A person convicted of violating section 1201 of this
5 title who has been convicted of another violation of that section within the last
6 20 years shall be fined not more than \$1,500.00 or imprisoned not more than
7 two years, or both. At least ~~200~~ 80 hours of community service shall be
8 performed, or 60 consecutive hours of the sentence of imprisonment shall be
9 served and may not be suspended or deferred or served as a supervised
10 sentence, except that credit for a sentence of imprisonment may be received for
11 time served in a residential alcohol facility pursuant to sentence if the program
12 is successfully completed.

13 Sec. 31. INTENT

14 (a) It is the intent of the General Assembly that the Department of
15 Corrections ensures gender parity in the access to services and programs that
16 strengthen family connections.

17 (b) It is the further intent of the General Assembly that the Department of
18 Corrections develop a phased plan to expand the application of 28 V.S.A.
19 § 128 to all Vermont correctional facilities by 2028.

1 Sec. 32. 28 V.S.A. § 102(c) is amended to read:

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

3 * * *

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

6 Sec. 33. 28 V.S.A. § 128 is added to read:

7 § 128. INCARCERATED PARENTS AND GUARDIANS; FAMILY
8 SUPPORT PROGRAM

9 (a) Family Support Program. The Department of Corrections shall
10 establish the Family Support Program to provide free parenting and family
11 support at each correctional facility to all incarcerated individuals who are
12 parents and guardians regardless of gender. The Program shall include
13 individualized services and programming intended to provide:
14 (1) increased knowledge and skill for incarcerated parents and guardians
15 to address the specific needs of their children;
16 (2) resources to incarcerated parents and guardians to engage in needs-
17 specific planning and communication strategies with their children and their
18 children's caregivers;

1 (3) child-friendly visitation spaces, in consultation with the Department,
2 for in-person and virtual visits between parents or guardians and their children,
3 including establishing safety protocol;

4 (4) outreach and coordination with appropriate services for the children
5 of incarcerated parents and guardians and the children's caregivers;

6 (5) improved cross-system coordination and collaboration to deliver
7 necessary services to the families of incarcerated parents and guardians; and

8 (6) reentry support and preparation for incarcerated parents and
9 guardians.

10 (b) Program support. The Department may support the operation of the
11 Family Support Program established pursuant to this section through grants of
12 financial assistance to, or contracts for services with, any nonprofit entity that
13 meets the Department's requirements.

14 (c) Annual report. Annually, on or before July 1, the Department shall
15 submit a written report to the House Committees on Corrections and
16 Institutions and on Judiciary and the Senate Committees on Institutions and on
17 Judiciary concerning:

18 (1) the funding, participation, and outcomes of the services and
19 programming established pursuant to this section; and

1 (2) considerations and any progress towards sustained statewide
2 programming and gender parity.

3 Sec. 34. DEPARTMENT OF CORRECTIONS; FAMILY SUPPORT

4 PROGRAM; IMPLEMENTATION

5 The Department of Corrections shall first implement the Family Support
6 Program established under 28 V.S.A. § 128 at the Chittenden Regional
7 Correctional Facility and Northern State Correctional Facility.

8 Sec. 35. EFFECTIVE DATES

9 This act shall take effect on passage, except that Sec. 1 shall take effect on
10 July 2, 2025 and Sec. 29 shall take effect on July 1, 2026.