

S.186

Introduced by Senator Hashim

Referred to Committee on

Date:

Subject: Juvenile proceedings; jurisdiction of Criminal Division; plea
agreements

Statement of purpose of bill as introduced: This bill proposes to permit a
juvenile offender in a criminal proceeding in the Criminal Division to elect to
enter a plea agreement to a lesser offense in the Criminal Division rather than
entering the plea agreement in the Family Division.

An act relating to jurisdiction of the Criminal Division over plea agreements
in proceedings related to juvenile offenders

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

Sec. 1. 33 V.S.A. § 5201 is amended to read:

§ 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

* * *

(d)(1) ~~Any~~ Unless subdivision (2) of this subsection applies, any
proceeding concerning a child who is alleged to have committed any offense
other than those specified in subsection 5204(a) of this title or subdivision
(c)(2) or (3) of this section before attaining 19 years of age shall originate in

1 the Family Division of the Superior Court, provided that jurisdiction may be
2 transferred in accordance with this chapter.

3 (2) In a proceeding in the Criminal Division concerning a child who is
4 alleged to have committed an offense specified in subsection 5204(a) of this
5 title or subdivision (c)(2) or (3) of this section, the child may elect to enter a
6 plea agreement in the Criminal Division to an offense other than one specified
7 in subsection 5204(a) of this title or subdivision (c)(2) or (3) of this section. If
8 the child elects to enter a plea agreement pursuant to this subdivision, the
9 Criminal Division shall retain jurisdiction over the proceeding.

10 * * *

11 Sec. 2. 33 V.S.A. § 5203 is amended to read:

12 § 5203. TRANSFER FROM OTHER COURTS

13 (a) If it appears to a Criminal Division of the Superior Court that the
14 defendant was under 19 years of age at the time the offense charged was
15 alleged to have been committed and the offense charged is an offense not
16 specified in subsection 5204(a) or subdivision 5201(c)(2) or (3) of this title,
17 that court shall, unless the child elects to enter a plea agreement in the Criminal
18 Division pursuant to subdivision 5201(d)(2) of this title, forthwith transfer the
19 proceeding to the Family Division of the Superior Court under the authority of
20 this chapter, and the minor shall then be considered to be subject to this chapter
21 as a child charged with a delinquent act.

* * *

(c) If it appears to the State's Attorney that the defendant was under 19 years of age at the time the felony offense charged was alleged to have been committed and the felony charged is not an offense specified in subsection 5204(a) or subdivision 5201(c)(2) or (3) of this title, the State's Attorney shall, unless the child elects to enter a plea agreement in the Criminal Division pursuant to subdivision 5201(d)(2) of this title, file charges in the Family Division of the Superior Court, pursuant to section 5201 of this title. The Family Division may transfer the proceeding to the Criminal Division pursuant to section 5204 of this title.

* * *

Sec. 3. 33 V.S.A. § 5201 is amended to read:

§ 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

* * *

(d)(1) Any ~~Unless subdivision (2) of this subsection applies, any~~ proceeding concerning a child who is alleged to have committed any offense other than those specified in subsection 5204(a) of this title or subdivision (c)(2) or (3) of this section before attaining 20 years of age shall originate in the Family Division of the Superior Court, provided that jurisdiction may be transferred in accordance with this chapter.

* * *

§ 5203. TRANSFER FROM OTHER COURTS

* * *

1 (c) If it appears to the State's Attorney that the defendant was under 20
2 years of age at the time the felony offense charged was alleged to have been
3 committed and the felony charged is not an offense specified in subsection
4 5204(a) or subdivision 5201(c)(2) or (3) of this title, the State's Attorney shall,
5 unless the child elects to enter a plea agreement in the Criminal Division
6 pursuant to subdivision 5201(d)(2) of this title, file charges in the Family
7 Division of the Superior Court, pursuant to section 5201 of this title. The
8 Family Division may transfer the proceeding to the Criminal Division pursuant
9 to section 5204 of this title.

10 * * *

11 Sec. 5. EFFECTIVE DATES

12 (a) Secs. 1 and 2 and this section shall take effect on passage.

13 (b) Secs. 3 and 4 shall take effect on July 2, 2027.