

2010-NO 146 (Sec 211) see act 1045c

146. AN ACT RELATING TO IMPLEMENTATION OF CHALLENGES FOR CHANGE.

(H.792)

enacted by the General Assembly of the State of Vermont:

LEGISLATIVE INTENT

(a) This act is intended to create the changes in Vermont law needed to implement the proposals which grew out of the Challenges for Change Act, in No. 68 of the Acts of the 2009 Adj. Sess. (2010).

(b) Vermont state government is faced with a substantial gap between available revenues and projected expenditures based on the current manner of providing services. This act is the next step in allowing the redesigning of how to provide government services. Policy makers, administrators, service providers, and school administrators will now proceed to create income-driven changes in service and performance, and to implement these changes with reduced state funding. At the same time, accountability for meeting specified goals will be maintained through clear measures of outcome achievement, with quarterly reporting to, and oversight by, the general assembly, as provided in this act. The intent of the general assembly is to make the changes in law which will allow the creation of better methods for providing government services, while spending less money and still achieving the outcomes specified in the Challenges for Change Act.

(c) Changes to law in this act are arranged by Challenges topic, followed by general requirements for quarterly reporting and oversight.

*** A. Performance Contracts and Grants ***

A1. RESTATEMENT OF OUTCOMES FOR PERFORMANCE CONTRACTING AND GRANTS

Outcomes for performance contracting and grants:

(1) Increase the use of performance contracts with the goal of converting \$70 million of contracts to performance-based contracts.

(2) Contractors and grantees meet performance targets specified in contracts.

A2. PERFORMANCE CONTRACTS AND GRANTS

The general assembly recommends that all branches, elected offices, and units of government participate in the performance contract and grant challenge, as defined in Sec. 3 of No. 68 of the Acts of the 2009 Adj. Sess. (2010), and it is the intent of the general assembly that,

notwithstanding any other provision of law, memorandums of understanding be executed between the administration and all executive branch government units to achieve the desired outcomes and implementation of this initiative.

*** B. Charter Units Challenge ***

B1. RESTATEMENT OF OUTCOMES FOR CHARTER UNIT CHALLENGE

Outcomes for the charter unit challenge:

(1) Meet challenge target of reducing spending or generating entrepreneurial revenue of \$2 million in general funds in FY2011 and \$4.5 million in general funds in fiscal year 2012.

(2) Increase employees' engagement in their work.

(3) Produce outcomes for Vermonters that are the same as or better than outcomes delivered prior to redesign.

B2. SECRETARY OF ADMINISTRATION; CHALLENGES FOR CHANGE; INFORMATION TECHNOLOGY INVESTMENTS

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electronically, when practicable, or on a form supplied or approved by the department of labor. Forms may be reported transmitted by fax transmission, first class mail, by magnetic tape, electronically, or by inputting data elements via the telephone.

(c) As used in this section:

- (3) "First date of employment" is the first day services are performed for compensation.
- (4) "New hire" means an employee for whom a W-4 filing is required and whose wages have not been reported by the filing employer to the department of labor during the last reporting quarter.

*** Contracting with Sheriff for Enforcement of Child Support Orders ***

Sec. C19. 15 V.S.A. § 800 is added to read:

§ 800. CONTRACT WITH SHERIFF FOR SERVICE OF CIVIL PROCESS

The office of child support may contract with a sheriff's department for the purpose of locating and investigating child support obligors and serving process, warrants, and mittimus in child support cases.

Sec. C20. 24 V.S.A. § 307 is amended to read:

§ 307. DEPUTY SHERIFFS; APPOINTMENTS AND REVOCATION

(b) A sheriff may appoint persons as deputy sheriffs to serve civil process, including child support enforcement as provided in 15 V.S.A. § 800, whom he the sheriff shall train and supervise. Such deputies need not be qualified law enforcement officers, but if not so qualified shall not have arrest powers, and shall not carry firearms in performance of their duties in serving civil process.

*** Permit the Office of Child Support to Prosecute Nonsupport ***
Sec. C21. 15 V.S.A. § 202 is amended to read:

§ 202. PENALTY FOR DESERTION OR NONSUPPORT

A married person who, without just cause, shall desert or wilfully neglect or refuse to provide for the support and maintenance of his or her spouse and children, leaving them in destitute or necessitous circumstances or a parent who, without lawful excuse, shall desert or wilfully neglect or refuse to provide for the support and maintenance of his or her child or an adult child possessed of sufficient pecuniary or physical ability to support his or her parents, who unreasonably neglects or refuses to provide such support when the parent is destitute, unable to support himself or herself and resident in this state, shall be imprisoned not more than two years or fined not more than \$300.00, or both. Should a fine be imposed, the court may order the same to be paid in whole or in part to the needy spouse, parent or to the guardian, custodian, or trustee of the child. The office of child support attorneys, in addition to any other duly authorized person, may prosecute cases under this section in Vermont district court.

*** Challenges for the Office of Child Support ***
Sec. C22. CHALLENGES FOR THE OFFICE OF CHILD SUPPORT

(a) The office of child support shall:

- (1) Reduce the administrative burden for employers who are required to withhold wages of an employee who is subject to a child support wage withholding order pursuant to subchapter 7 of chapter 11 of Title 15. The office shall review laws in other states to identify best practices in this area.

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No. 201] PUBLIC ACTS, 1973 ADJ. SESSION

NO. 200. AN ACT TO ADD 10 V.S.A. § 4198 RELATING TO POWERS OF FISH AND GAME WARDENS.

(H. 23)

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

Sec. 1. 10 V.S.A. § 4198 is added to read:

§ 4198. Police powers; training

Upon certification by the commissioner of public safety of the successful completion of the training program for regular police officers as established in 20 V.S.A. § 2358, state game wardens shall have the same duties and powers with respect to matters incident to their regular statutory duties and enforcement of law relating thereto, as state police, sheriffs, constables and municipal police have in their respective jurisdictions; and shall have all immunities and defenses now or hereafter available to state police, sheriffs, constables and municipal police in a suit brought against them in consequence of acts done in the course of their employment. State game wardens shall receive their regular compensation during the time they are enrolled in the training program.

Approved: April 3, 1974.

*1974-10201 (check page)
act page*

NO. 201. AN ACT TO AMEND 13 V.S.A. § 1503; 15 V.S.A. §§ 202, 203, 204, 205, 206, 207, 291, 551(5) AND 754; AND 18 V.S.A. § 5142 AND TO REPEAL 13 V.S.A. § 2633; 15 V.S.A. §§ 101, 208 AND 759 AND 18 V.S.A. § 5149 RELATING TO EQUAL RIGHTS FOR WOMEN.

(H. 226)

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

Sec. 1. 13 V.S.A. § 1503 is amended to read:

§ 1503. Giving prisoner tools for escape; aiding escaped prisoner

A person who gives to a prisoner in any such place of confinement, or conveys therein, a tool, instrument or weapon with intent to enable a prisoner to escape, whether such escape is effected or

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not; or who, not being a parent, child, wife, husband, brother or sister of such prisoner, harbors, conceals, aids or comforts a prisoner who has escaped from any such place of confinement, knowing thereof, shall be punished as provided in section 1502 of this title.

Sec. 2. 15 V.S.A. § 202 is amended to read:

§ 202. **Penalty for desertion or nonsupport**

A married person who, without just cause, shall desert or wilfully neglect or refuse to provide for the support and maintenance of his or her spouse and children, leaving them in destitute or necessitous circumstances or a parent who, without lawful excuse, shall desert or wilfully neglect or refuse to provide for the support and maintenance of his child or an adult child possessed of sufficient pecuniary or physical ability to support his parents, who unreasonably neglects or refuses to provide such support when the parent is destitute, unable to support himself and resident in this state, shall be imprisoned not more than two years or fined not more than \$300.00, or both. Should a fine be imposed, the court may order the same to be paid in whole or in part to the needy spouse, parent or to the guardian, custodian or trustee of the child.

Sec. 3. 15 V.S.A. § 203 is amended to read:

§ 203. **Institution of proceedings; jurisdiction**

Proceedings under this subchapter may be instituted by any prosecuting officer upon complaint made by a deserted married person, child or by any other person, including a parent in proper cases, against a spouse, parent or adult child, accused of an offense named in section 202 of this title.

Sec. 4. 15 V.S.A. § 204 is amended to read:

§ 204. **Temporary orders**

At any time before the trial, upon application of the complainant and upon notice to the respondent, the court, or a judge thereof in vacation, may enter such temporary order as may seem just providing for the support of the deserted spouse or child, or both, or of such parents, pendente lite, and may punish for violation of such order as for contempt.

(4)

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where applicable, substituting the words 'civil marriage' for the word 'marriage.' Such changes shall be made when new legislation is proposed, or there is a republication of a volume of the Vermont Statutes Annotated."

SUBCHAPTER 1.

UNIFORM DESERTION AND NONSUPPORT ACT

HISTORY

Short Title. VS. 1947, § 3189, derived from PL. § 3100; 1933, No. 157, § 2885, provided that this subchapter may be cited as the Uniform Desertion and Nonsupport Act.

CROSS REFERENCES

Civil action for desertion and nonsupport, see Rule 4, Vermont Rules for Family Proceedings.

Locating parents or other persons liable for support of dependent, see § 113 of Title 33. Support of spouse and care of children, see § 291 et seq. of this title.

§ 201. Definitions

The word "child," as used in this subchapter, shall mean a child who is under the age of 18 years, or is under the age of 21 years and is a student regularly attending a school, college or university or their equivalent, or is regularly attending a course of vocational or technical training designed to fit him for gainful employment, and shall include a "stepchild" under such age. The words "adult child," as so used, shall mean a child over the age of minority.

Historical Citation

Amended 1971, No. 98, § 1, eff. April 22, 1971.

HISTORY

Source. VS. 1947, § 3179. PL. § 3090. 1933, No. 157, § 2875.

Amendments—1971. Rewrote the first sentence.

§ 202. Penalty for desertion or nonsupport

A married person who, without just cause, shall desert or willfully neglect or refuse to provide for the support and maintenance of his or her spouse and children, leaving them in destitute or necessitous circumstances or a parent who, without lawful excuse, shall desert or willfully neglect or refuse to provide for the support and maintenance of his or her child or an adult child possessed of sufficient pecuniary or physical ability to support his or her parents, who unreasonably neglects or refuses to provide such support when the parent is destitute, unable to support himself or herself, and resident in this State, shall be imprisoned not more than two years or

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fined not more than \$300.00, or both. Should a fine be imposed, the court may order the same to be paid in whole or in part to the needy spouse, parent, or to the guardian, custodian, or trustee of the child. The Office of Child Support attorneys, in addition to any other duly authorized person, may prosecute cases under this section in Vermont Superior Court.

Historical Citation

Amended 1973, No. 201 (Adj. Sess.), § 2; 2009, No. 146 (Adj. Sess.), § C21.

HISTORY

Source. VS. 1947, § 3180. PL. § 3091. 1933, No. 157, § 2876. 1925, No. 52. 1921, No. 80, § 1. G.L. §§ 3536, 6831. 1915, No. 101, § 1. PS. § 5726. R. 1906, § 5585. 1902, No. 123, § 1. VS. § 5157. 1890, No. 35, §§ 1, 2.

Revision note—2019. Substituted "Superior" for "district" pursuant to 2009, No. 154 (Adj. Sess.), § 236.

Amendments—2009 (Adj. Sess.). Made gender neutral changes, a minor punctuation change, and added the last sentence.

—1973 (Adj. Sess.). Substituted "his or her spouse and children, leaving them" for "his wife" preceding "in destitute or" and "parents" for "parent" preceding "who unreasonably" and deleted "at hard labor" following "imprisoned" in the first sentence and substituted "needy spouse" for "wife" following "part to the" in the second sentence.

ANNOTATIONS

Classification of crime, 3
Common law, 1
Costs, 7
Evidence, 6

Jurors, 8
Pleading, 5
Stepparents, 2
Wilful neglect, 4

1. Common law. At common law, father, if of sufficient ability, is legally bound to support his minor children and this duty is also imposed by this section. *Town of Bennington v. Telford* (1956) 119 Vt. 397, 127 A.2d 275.

2. Stepparents. This is a criminal statute, and while a parent who willfully neglects to provide for the support of his stepchild under sixteen years of age may be liable to prosecution, this section does not, in either express terms or by necessary implication, affect his civil liability for support of a stepchild, and the Vermont common-law rule is that he is not civilly liable for such support; however, a stepfather can create a parental relationship with a stepchild such that he would be responsible civilly for its care as if the child were his own issue or a child he had legally adopted. *Borkman v. Commissioner of Social Welfare* (1970) 128 Vt. 561, 268 A.2d 790.

Stepfather who, without lawful excuse, deserts or wilfully neglects or refuses to provide for support and maintenance of his stepchild under age of sixteen years violates this section. 1948-50 Op. Atty. Gen. 219.

This section neither in express terms nor by necessary implication affects stepfather's civil liability with respect to stepchildren. *Town of St. Johnsbury v. Town of Sutton* (1930) 102 Vt. 451, 150 A. 133.

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ication affects stepfather's civil : Town of Sutton (1930) 102 Vt.

3. Classification of crime. Violation of this section is a misdemeanor. 1942-44 Op. Atty. Gen. 272.

4. Wilful neglect. Words "wilful" and "wilfully," when used with reference to violations of criminal law, mean more than voluntary act and more than an intentional act which is in fact wrongful, and include idea of an act intentionally done with wrongful purpose, bad purpose, or with design to injure another, or one committed out of mere wantonness or lawlessness. State v. Palmer (1920) 94 Vt. 278, 110 A. 436.

5. Pleading. In prosecution of husband for nonsupport under this section, complaint which fails to allege that refusal to provide, etc., was "wilful" is defective, and defect is not cured by verdict. State v. Palmer (1920) 94 Vt. 278, 110 A. 436.

6. Evidence. Evidence of earnings of respondent was admissible; pecuniary ability of respondent being material in such cases as bearing on question of wilful neglect. State v. Thibedeau (1921) 95 Vt. 164, 113 A. 873.

Although respondent conceded that child was unable to take care of itself, evidence that it was injured in accident and was still suffering from injuries was admissible as bearing on question of wilfulness; it being presumed that respondent knew child's condition, the contrary not appearing. State v. Thibedeau (1921) 95 Vt. 164, 113 A. 873.

7. Costs. Mittimus, issuing upon conviction under this section, which taxed costs did not authorize warden of state prison to collect the costs, since the item was taxed illegally. 1936-38 Op. Atty. Gen. 406.

8. Jurors. Juror would not be disqualified to act in prosecution under section if he was resident of town where offense was committed. 1938-40 Op. Atty. Gen. 435.

Cited. Cited in Quesnel v. Town of Middlebury (1997) 167 Vt. 252, 706 A.2d 436.

§ 203. Institution of proceedings

Proceedings under this subchapter may be instituted by any prosecuting officer upon complaint made by the deserted married person, child, or by any other person, including a parent in proper cases, against a spouse, parent, or adult child, accused of an offense named in section 202 of this title.

Historical Citation

Amended 1965, No. 194, § 10, operative Feb. 1, 1967; 1973, No. 201 (Adj. Sess.), § 3; 1973, No. 249 (Adj. Sess.), § 68, eff. April 9, 1974; 1987, 1973, No. 174 (Adj. Sess.), § 4.

HISTORY

Source. V.S. 1947, § 3181. P.L. § 3092. 1933, No. 157, § 2877. G.L. § 3537. 1915, No. 101, § 2.

Revision note—Deleted "jurisdiction" in the section heading to conform heading to text of section, as amended by 1973, No. 201 (Adj. Sess.), § 3.

Amendments—1987 (Adj. Sess.). Substituted "deserted married person" for "wife" following "complaint made by the" and "spouse" for "husband" preceding "parent or adult child".



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a municipal court, or by the judge of a county court authorizing
the earlier solemnization of the marriage who are hereby author-
ized to issue such certificates. A town clerk who falsely dates
such certificate shall be fined not more than twenty dollars.
Approved February 26, 1925.

1925-110.32

No. 52.—AN ACT TO AMEND SECTION 3536 OF THE
GENERAL LAWS, RELATING TO PENALTY FOR
NON-SUPPORT OF FAMILY.

[H. 103]

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

SECTION 1. Section 3536 of the General Laws, as amended
by No. 80 of the Acts of 1921, is hereby amended so as to read as
follows:

SEC. 3536. *Penalty.* A husband who shall, without just
cause, desert or wilfully neglect or refuse to provide for the
support and maintenance of his wife in destitute circumstances;
any parent who shall, without lawful excuse, desert or wilfully
neglect or refuse to provide for the support and maintenance of
his child or stepchild, under the age of sixteen years; or any adult
possessed of sufficient pecuniary or physical ability to support his
parent, who unreasonably neglects or refuses to provide such
support, when the parent is destitute, unable to support himself
and resident in this state, shall be imprisoned at hard labor not
more than two years or fined not more than three hundred
dollars, or both; and should a fine be imposed it may be directed
by the court to be paid in whole or in part to the wife, parent or
to the guardian, custodian or trustee of the minor child or step-
child.

SEC. 2. This act shall take effect from its passage.
Approved March 16, 1925.

No. 53.—AN ACT TO AMEND SECTION 3602 OF THE
GENERAL LAWS, RELATING TO REMARRIAGE.

[S. 63]

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

SECTION 1. Section 3602 of the General Laws is hereby
amended so as to read as follows:

SEC. 3602. *Allowed; restriction.* When a marriage is dis-
solved pursuant to this chapter, the parties shall be deemed single

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1927 No 80
77

No. 80]

PUBLIC ACTS

No. 80.—AN ACT TO AMEND SECTION 3536 OF THE GENERAL LAWS, RELATING TO THE SUPPORT OF FAMILIES.

[H. 70]

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

SECTION 1. Section 3536 of the General Laws is hereby amended so as to read as follows:

Sec. 3536. *Penalty.* A husband who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute circumstances; or any parent who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his child or stepchild under the age of sixteen years in destitute circumstances, shall be imprisoned at hard labor not more than two years or fined not more than three hundred dollars, or both; and should a fine be imposed, it may be directed by the court to be paid in whole or in part to the wife or to the guardian, custodian or trustee of the minor child.

SEC. 2. This act shall take effect from its passage.
Approved March 9, 1921.

No. 81.—AN ACT TO AMEND SECTION 3553 OF THE GENERAL LAWS, RELATING TO LEGITIMACY OF THE ISSUE OF ANNULLED MARRIAGES, AND TO REPEAL SECTION 3546 OF THE GENERAL LAWS.

[H. 209]

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

SECTION 1. Section 3553 of the General Laws is hereby amended so as to read as follows:

Sec. 3553. *Children; legitimate.* Children of a marriage annulled pursuant to this chapter shall be legitimate and shall succeed to the real and personal estate of both parents.

SEC. 2. *Repeal.* Section 3546 of the General Laws is hereby repealed.

SEC. 3. This act shall take effect from its passage.
Approved March 17, 1921.

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[No. 79

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No. 100.—AN ACT TO AMEND SECTION 3008 OF THE PUBLIC STATUTES, RELATING TO DUTIES OF TRUSTEES.

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

SECTION 1. Section 3008 of the Public Statutes is hereby amended so as to read as follows:

Sec. 3008. Trustees shall perform, in the management of the trust estate, the duties specified in their bonds, and shall keep separate and distinct all moneys, property or securities received by them in the capacity of trustees.

Approved February 18, 1915.

1915-10101

No. 101.—AN ACT RELATING TO DESERTION AND NON-SUPPORT OF WIFE OR CHILD AND PROVIDING PUNISHMENT THEREFOR, AND TO PROMOTE UNIFORMITY BETWEEN THE STATES IN REFERENCE THERETO.

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

SECTION 1. A husband who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute circumstances; or any parent who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his child under the age of sixteen years in destitute circumstances, shall be imprisoned at hard labor not more than two years or fined not more than three hundred dollars, or both; and should a fine be imposed it may be directed, by the court to be paid in whole or in part to the wife or to the guardian, custodian or trustee of the minor child.

SEC. 2. Proceedings under this act may be instituted by any prosecuting officer upon complaint made by the wife or child, or by any other person, against a husband or parent accused of either of the above named offenses. Justices of the peace, city and municipal courts shall have concurrent jurisdiction with the county court of offenses under this act.

SEC. 3. At any time before the trial, upon application of the complainant and upon notice to the respondent, the court, or a judge thereof in vacation, may enter such temporary order as may seem just providing for the support of the deserted wife or child, or both, and may punish for violation of such order as for contempt.

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SEC. 5. If th proof under oath t such order, it may dent under the orig conviction, or enfo be. In case of fo thereof by executio of the court, be pa guardian, custodian

SEC. 6. No ot marriage of said hu the father or mothe to prove such facts this act shall any ex disclosure of confide wife apply, and both nesses to testify again including the fact of child provided that n incriminating himself child in destitute circ for the support and i prima facie evidence wilful.

SEC. 7. It shall l or other official in char a person is confined on this act to pay over to of the minor child, or t by the court as trustee,

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VICIOUS DOGS.

Assembly of the State of

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No. 122.—AN ACT IN AMENDMENT OF SECTION 4951
OF CHAPTER 214 OF VERMONT STATUTES, RE-
LATING TO EMBEZZLEMENT.

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

SECTION 1. Section 4951 chapter 214 of the Vermont Stat-
utes be amended to read as follows:

Section 4951. An officer, agent, clerk or servant of a bank-
ing association or an incorporated company, or a clerk, agent,
officer, or servant of a private person, co-partnership, trades-
union, joint stock company, unincorporated association, fraternal
or benevolent association, except apprentices and other persons
under the age of sixteen years, who embezzles, or fraudulently
converts to his own use, or takes or secretes with intent to em-
bezzle or fraudulently convert to his own use, money, or other
property, which comes into his possession or is under his care
by virtue of such employment, notwithstanding he may have an
interest in said money or property, shall be guilty of embezzlement
and upon conviction thereof shall be imprisoned in the state's
prison not more than ten years, or fined not more than five hun-
dred dollars or both.

SEC. 2. This act shall take effect from its passage.
Approved December 9, 1902.

1902- No. 123

No. 123.—AN ACT TO AMEND SECTION 5157 OF THE
VERMONT STATUTES RELATING TO PERSONS
NEGLECTING TO PROVIDE FOR WIFE AND
MINOR CHILDREN.

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

SECTION 1. Section 5157 of the Vermont Statutes is hereby
amended so as to read as follows:

Section 5157. A person who, being of sufficient ability, neg-
lects, or refuses to provide necessary food and maintenance for his
wife or minor children shall be fined not more than twenty dol-
lars or imprisoned not more than six months or both in the dis-
cretion of the court; and a married woman shall be a competent
witness in prosecutions against her husband under this section.

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Justices shall have concurrent jurisdiction with the county court of offenses under this section.

SEC. 3. This act shall take effect from its passage.
Approved November 11, 1902.

No. 124.—AN ACT IN AMENDMENT OF SECTION 5375 OF THE VERMONT STATUTES, RELATING TO THE SALARY OF THE JUDGE OF PROBATE FOR THE DISTRICT OF BENNINGTON.

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

SECTION 1. The annual salary of the judge of probate within and for the district of Bennington in the county of Bennington, shall be eight hundred dollars.

SEC. 2. So much of section 5375 of the Vermont Statutes as is inconsistent herewith is hereby repealed.

SEC. 3. This act shall take effect from its passage.
Approved December 9, 1902.

No. 125—AN ACT IN AMENDMENT OF SECTION 5375 OF THE VERMONT STATUTES, RELATING TO THE SALARY OF THE JUDGE OF PROBATE IN THE COUNTY OF GRAND ISLE.

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

SECTION 1. The annual salary of the judge of probate, within and for the district of Grand Isle in the county of Grand Isle shall be four hundred dollars.

SEC. 2. So much of section 5375 of the Vermont Statutes as is inconsistent herewith, is hereby repealed.

SEC. 3. This act shall take effect from its passage.
Approved December 10, 1902.

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lars for each and every week he so keeps said stallion after he has received three days' notice from such adjoining owner or occupant to remove such stallion.

Certificates relating to stallions to be filed; record; penalty. 1888, No. 104 §§ 1, 2.

SEC. 5153. A person who owns or keeps a stallion for breeding purposes, before advertising the services of the stallion, shall file in the office of the clerk of the county in which said stallion is kept, a certificate stating his name, color, age, size, and pedigree as fully as obtainable and his breeder's name. The clerk shall record the certificate in a book kept for that purpose and shall receive fifty cents for each one page certificate, and twenty-five cents for each additional page. No compensation shall be recovered for the services of the stallion if a certificate is not so filed. A person knowingly making and filing a false certificate shall be fined one hundred dollars, for the use of the county where the offense is committed.

Obstructing passages in public halls. 1882, No. 79, §§ 1, 2.

SEC. 5154. A person who, during any public entertainment, places or causes to be placed any portable seat or obstruction in the halls, door-ways, stair-ways, aisles or passages of a theatre, public hall or other place used for purposes of amusement, when the same is situated above the ground floor, shall for each offense be fined not more than one hundred dollars, and not less than ten dollars. Justices shall have concurrent jurisdiction with the county court of offenses under this section.

Selling or giving away toy pistols. 1882, No. 82, § 1.

SEC. 5155. A person who has in his possession a toy pistol for the explosion of percussion caps or blank cartridges, with intent to sell or give away the same, or sells or gives away, or offers to sell or give away the same, shall be fined not more than ten nor less than five dollars; and shall be liable for all damages resulting from such selling or giving away, to be recovered in an action on the case.

Cigarettes, etc., to minors. 1888, No. 132, §§ 1, 2, 3.

SEC. 5156. A person who sells a cigar, cigarette, snuff or tobacco in any form, to a person under sixteen years of age, except upon written order or permission of the minor's parents or guardian, or who gives away a cigar, cigarette, snuff or tobacco in any form to a person under sixteen years of age, shall be fined not more than twenty dollars.

Neglecting to provide for wife and children. 1890, No. 35, §§ 1, 2.

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SEC. 5157. A person who, being of sufficient ability, neglects, or refuses to provide necessary food and maintenance for his wife or minor children, being notified so to do by the overseer of the poor, shall be fined not more than twenty dollars. Justices shall have concurrent jurisdiction with the county court of offenses under this section.

Barbed wire fence around schoolhouse. 1892, No. 104, §§ 1, 2.

SEC. 5158. A person who builds or maintains a barbed wire fence around any schoolhouse yard shall be fined not more than fifty dollars and not less than twenty dollars.

ACCESSORIES, ATTEMPTS

ACCESSORIES.

SECTION 5159. Accessory. 5160. Before the fact. 5161. After the fact. 5162. Prosecution; venue.

ATTEMPTS.

5163. To commit felonies and misdemeanors; penalties.

SEC. 5159. A person guilty of an offense punishable by death or imprisonment shall be punished as an accessory.

SEC. 5160. A person who counsels, hires or otherwise procures another to commit an offense, and who is tried, convicted and punished for the offense, and in the court and county where the offense was committed, shall be punished as an accessory.

SEC. 5161. A person, who harbors or gives aid to an offender, or who harbors or gives aid to a person who has committed an offense punishable by imprisonment in the state prison, who harbors or gives aid to an offender, or who gives him opportunity to commit such offense, with intent to aid in the commission of such offense, shall be imprisoned for not more than seven years, or fined not more than one hundred dollars.

SEC. 5162. Such accessories who are tried, convicted and punished for the offense, and who have not been previously convicted of an offense, in the county where the offense was committed, shall be punished as accessories.

SEC. 5163. A person who attempts to commit a felony, and does an act toward the commission of such offense, and is interrupted or prevented from completing the same, if no other express punishment of such attempt is provided, shall be punished as an accessory before the fact. If the attempt is punishable by imprisonment in the state prison for life, he shall be imprisoned for not more than ten years; and if the attempt is punishable by imprisonment in the house of correction, or by a fine, he shall be punished, respectively, as the offense attempted would be punished; but the attempt shall not exceed the punishment which might have been had been committed.

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