

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 109
3 entitled “An act relating to miscellaneous judiciary procedures” respectfully
4 reports that it has considered the same and recommends that the House propose
5 to the Senate that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 § 164. ADULT COURT DIVERSION PROGRAM

9 (a) Purpose.

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

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

19 * * *

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

21 * * *

(3) Adult post-charge diversion requirements. Each State's Attorney, in cooperation with the Office of the Attorney General and the adult post-charge diversion program, shall develop clear criteria for deciding what types of offenses and offenders will be eligible for diversion; however, the State's Attorney shall retain final discretion over the referral of each case for diversion. All adult post-charge diversion programs receiving financial assistance from the Attorney General shall adhere to the following:

(A) The post-charge diversion program for adults shall only accept persons against whom charges have been filed and the court has found probable cause, but are not adjudicated.

(B) A prosecutor may refer a person to diversion either before or after arraignment and shall notify in writing the diversion program and the court of the prosecutor's ~~of the~~ referral to diversion.

* * *

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

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

* * *

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

§ 1102. JUDICIAL BUREAU; JURISDICTION

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

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

* * *

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

* * *

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

§ 1106. HEARING

* * *

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

* * *

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

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

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

8 § 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

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

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

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

20 (1) court schedules of the Superior Court or opinions of the Criminal
21 Division of the Superior Court;

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

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

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

7 § 4937. ATTORNEY’S FEES

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

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

13 § 4013. ZIP GUNS; ~~SWITCHBLADE KNIVES~~

14 A person who possesses, sells, or offers for sale a weapon commonly
15 known as a “zip” gun, ~~or a weapon commonly known as a switchblade knife,~~
16 ~~the blade of which is three inches or more in length,~~ shall be imprisoned not
17 more than 90 days or fined not more than \$100.00, or both.

18 Sec. 9. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS

19 The court shall order the expungement of criminal history records of
20 convictions of 13 V.S.A. § 4013 for possessing, selling, or offering for sale a
21 switchblade knife that occurred prior to July 1, 2025. The process and effect

1 for expungement of these records shall be as provided for in 13 V.S.A. § 7606
2 and shall be completed by the court and all entities subject to the order not later
3 than July 1, 2026.

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

5 (7) “Victim” means:

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

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

12 (C) a surviving immediate family member of a homicide victim,
13 including a spouse, domestic partner, parent, sibling, child, grandparent, or
14 other survivor who may suffer severe emotional harm as a result of the
15 victim’s death as determined on a case-by-case basis in the discretion of the
16 Board; or

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

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

20 § 7282. SURCHARGE

21 * * *

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

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

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

(a) A will may be deposited for safekeeping in the Probate Division of the Superior Court for the district in which the testator resides on payment to the court of the applicable fee required by ~~32 V.S.A. § 1434(a)(17)~~ 32 V.S.A. § 1434(a)(18). The register shall give to the testator a receipt, shall safely keep each will so deposited, and shall keep an index of the wills so deposited.

* * *

Sec. 13. 14 V.S.A. § 3068 is amended to read:

§ 3068. HEARING

* * *

(e)(1) If upon completion of the hearing and consideration of the record the court finds that the respondent is not a person in need of guardianship, it shall dismiss the petition and seal the records of the proceeding.

(2) If a motion to withdraw the petition is made before the final hearing, the court shall dismiss the petition and seal the records of the proceeding.

(f) If upon completion of the hearing and consideration of the record the court finds that the petitioner has proved by clear and convincing evidence that the respondent is a person in need of guardianship or will be a person in need of guardianship on attaining 18 years of age, it shall enter judgment specifying the powers of the guardian pursuant to sections 3069 and 3070 of this title and the duties of the guardian pursuant to section 3071 of this title.

(g) Any party to the proceeding before the court may appeal the court's decision in the manner provided in section 3080 of this title.

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

§ 4051. STATUTORY FORM POWER OF ATTORNEY

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

VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT
INFORMATION

* * *

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

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

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

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

10 () Create, amend, revoke, or terminate an inter vivos, family, living,
11 irrevocable, or revocable trust

12 () Consent to the modification or termination of a noncharitable irrevocable
13 trust under 14A V.S.A. § 411

14 () Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any
15 special instructions in this power of attorney

16 ~~() Consent to the modification or termination of a noncharitable irrevocable~~
17 ~~trust under 14A V.S.A. § 411~~

18 () Create, amend, or change rights of survivorship

19 () Create, amend, or change a beneficiary designation

20 () Waive the principal's right to be a beneficiary of a joint and survivor
21 annuity, including a survivor benefit under a retirement plan

- () Exercise fiduciary powers that the principal has authority to delegate
- () Authorize another person to exercise the authority granted under this power of attorney
- () Disclaim or refuse an interest in property, including a power of appointment
- () Exercise authority with respect to elective share under 14 V.S.A. § 319
- () Exercise waiver rights under 14 V.S.A. § 323
- () Exercise authority over the content and catalogue of electronic communications and digital assets under 14 V.S.A. chapter 125 (Vermont Revised Uniform Fiduciary Access to Digital Assets Act)
- () Exercise authority with respect to intellectual property, including, without limitation, copyrights, contracts for payment of royalties, and trademarks
- () Convey, or revoke or revise a grantee designation, by enhanced life estate deed pursuant to 27 V.S.A. chapter 6 or under common law.

* * *

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

§ 1316. OFFICE OF TRUST DIRECTOR

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

- (1) acceptance under section 701 of this title;
- (2) giving of bond to secure performance under section 702 of this title;
- (3) reasonable compensation under section 708 of this title;

- 1 (4) resignation under section 705 of this title;
- 2 (5) removal under section 706 of this title; and
- 3 (6) vacancy and appointment of successor under section 704 of this title.

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

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

9 (I) [Repealed.]

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

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

14 (IV) straw purchasing of firearm in violation of 13 V.S.A.
15 § 4025; and

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

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

19 § 5225. PRELIMINARY HEARING; RISK ASSESSMENT

20 (a) Preliminary hearing. A preliminary hearing shall be held at the time
21 and date specified on the citation or as otherwise ordered by the court. If a

1 child is taken into custody prior to the preliminary hearing, the preliminary
2 hearing shall be at the time of the temporary care hearing. Counsel for the
3 child shall be assigned prior to the preliminary hearing.

4 (b) Risk and needs screening.

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

10 (2) If the child participates in such a screening, the Department or the
11 community provider shall report the risk level result of the screening, the
12 number and source of the collateral contacts made, and the recommendation
13 for charging or other alternatives to the State's Attorney. The State's Attorney
14 shall consider the results of the risk and needs screening in determining
15 whether to file a charge. In lieu of filing a charge, the State's Attorney may
16 refer a child directly to a youth-appropriate community-based provider that has
17 been approved by the Department, which may include pre-charge diversion
18 pursuant to 3 V.S.A. § 163, a community justice center, or a balanced and
19 restorative justice program. Referral to a community-based provider pursuant
20 to this subsection shall not require the State's Attorney to file a charge. If the
21 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
21 property, including a residential unit in a condominium or in a common

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

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

20 (f) Notwithstanding section 305 of this title, a deed, mortgage, lease, or
21 other instrument executed for the purpose of conveying or encumbering real

property executed by a person purporting to act as the agent or attorney-in-fact for the party named in the deed, mortgage, lease, or other instrument that has been recorded for at least 15 years in the land records where the real property is located shall be valid even if no power of attorney authorizing and empowering an agent or attorney-in-fact appears of record, unless, within 15 years after recording, an action challenging the validity of the deed, mortgage, lease, or other instrument is commenced and a copy of the complaint is recorded in the land records of the town where the property is located. This subsection shall not apply to an instrument obtained by fraud or forgery.

Sec. 19. 32 V.S.A. § 1003 is amended to read:

§ 1003. STATE OFFICERS

* * *

(c) The officers of the Judicial Branch named in this subsection shall be entitled to annual salaries as follows:

	Annual	Annual
	Salary	Salary
	as of	as of
	July 14,	July 13,
	2024	2025
(1) Chief Justice of Supreme Court	\$214,024	\$225,581
(2) Each Associate Justice	\$204,264	\$215,294

1	(3) Administrative <u>Chief Superior</u> Judge	\$204,264	\$215,294
2	(4) Each Superior Judge	\$194,185	\$204,671
3	(5) [Repealed.]		
4	(6) Each Magistrate	\$146,413	\$154,319
5	(7) Each Judicial Bureau hearing		
6	officer	\$146,413	\$154,319

7 * * *

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

10 Sec. 5. [Deleted.]

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

12 Sec. 4. REPEALS

13 * * *

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

16 Sec. 22. REPEAL

17 2019 Acts and Resolves No. 6, Secs. 99 and 100 (amendments to 18 V.S.A.
18 §§ 4810(d)–(j) and 4811 that prohibited public inebriates from being
19 incarcerated in a Department of Corrections’ facility) are repealed.

20 Sec 23. 2019 Acts and Resolves No. 6, Sec. 105 is amended to read:

Sec. 105. EFFECTIVE DATES

* * *

* * *

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

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

1 (4) one State’s Attorney or designee, appointed by the Department of
2 State’s Attorneys and Sheriffs;

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

5 (6) a member of the Vermont State Police, appointed by the
6 Commissioner of Public Safety;

7 (7) a police chief, appointed by the Vermont Association of Chiefs of
8 Police; and

9 (8) a federal firearms licensee, appointed by the Attorney General.

10 (c) Consultation. The Working Group shall consult with stakeholders
11 including:

12 (1) the Commissioner of Corrections;

13 (2) family law practitioners;

14 (3) victim advocates;

15 (4) advocates from culturally specific advocacy organizations that work
16 with domestic violence victims;

17 (5) the Vermont Federation of Sportsmen’s Clubs;

18 (6) the Vermont Office of the Bureau of Alcohol Tobacco and Firearms;

19 (7) the Vermont Medical Society;

20 (8) the Commissioner of Mental Health;

21 (9) the Vermont Center for Crime Victim Services; and

1 (10) the Vermont Council on Domestic Violence.

2 (d) Report. On or before November 15, 2025, the Working Group shall
3 report its recommendations to the House and Senate Committees on Judiciary
4 and to the Joint Legislative Justice Oversight Committee. The report shall
5 include:

6 (1) a workable statewide compliance model that is adaptable to both the
7 Family and Criminal Divisions of the Superior Courts and that ensures:

8 (A) accountability of respondents and defendants while addressing
9 safety needs of the plaintiffs and victims; and

10 (B) proper storage and return of firearms surrendered pursuant to
11 court orders; and

12 (2) recommendations for any legislative changes necessary to support
13 the model.

14 (e) Meetings. The Task Force shall meet not more than six times.

15 (f) Compensation and reimbursement. Members of the Task Force who are
16 not employees of the State of Vermont or who are not otherwise compensated
17 or reimbursed for their attendance shall be entitled to compensation and
18 reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six
19 meetings.

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

21 § 3-504. GROUNDS FOR TERMINATING RELATIONSHIP OF PARENT

AND CHILD

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

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

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

Sec. 26. Sec. 1. 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 willfully neglect or refuse to provide for the support and maintenance of ~~his or her~~ the person's 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~~ the 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 Superior Court.

Sec. 27. 2023 Acts and Resolves No. 19, Sec. 5 is amended to read:

Sec. 5. [Deleted.]

Sec. 28. 2023 Acts and Resolves No. 19, Sec. 6 is amended to read:

Sec. 6. EFFECTIVE DATES

* * *

1 (b) Sec. 5 (marriage licenses; 32 V.S.A. § 1712) shall take effect on July 1,
2 2025. [Deleted.]

3 * * *

4 Sec. 29. 13 V.S.A. § 7556 is amended to read:

5 § 7556. APPEAL FROM CONDITIONS OF RELEASE OR BAIL

6 REVOCATION DENIAL

7 (a) A person who is detained, or whose release on a condition requiring
8 ~~him or her~~ the person to return to custody after specified hours is continued,
9 after review of ~~his or her~~ the person's application pursuant to subsection
10 7554(d) or (e) of this title by a judicial officer, other than a judge of the court
11 having original jurisdiction over the offense with which ~~he or she~~ the person is
12 charged or a Justice of the Supreme Court, may move the court having original
13 jurisdiction over the offense with which ~~he or she~~ the person is charged to
14 amend the order. The motion shall be determined promptly.

15 (b) When a person is detained after a court denies a motion under
16 subsection (a) of this section or when conditions of release have been imposed
17 or amended by the judge of the court having original jurisdiction over the
18 offense charged, an appeal may be taken to a single Justice of the Supreme
19 Court who may hear the matter or at ~~his or her~~ the Justice's discretion refer it
20 to the entire Supreme Court for hearing. No further appeal may lie from the
21 ruling of a single Justice in matters to which this subsection applies. Any order

1 so appealed shall be affirmed if it is supported by the proceedings below. If
2 the order is not supported, the Supreme Court or single Justice hearing the
3 matter may remand the case for a further hearing or may, with or without
4 additional evidence, order the person released. The appeal shall be determined
5 forthwith.

6 (c)(1) When a person is released, with or without bail or other conditions of
7 release, an appeal may be taken by the State to a single Justice of the Supreme
8 Court who may hear the matter or at ~~his or her~~ the Justice's discretion refer it
9 to the entire Supreme Court for hearing. No further appeal may lie from the
10 ruling of a single Justice in matters to which this subsection applies. Any order
11 so appealed shall be affirmed if it is supported by the proceedings below. If
12 the order is not supported, the Supreme Court or single Justice hearing the
13 matter may remand the case for a further hearing or may, with or without
14 additional evidence, modify or vacate the order. The appeal shall be
15 determined ~~forthwith~~ promptly.

16 (2) When a request to revoke bail pursuant to section 7575 of this title is
17 denied, a prosecutor may appeal the court's order in accordance with the
18 procedure outlined in subdivision (1) of this subsection.

19 (d) A person held without bail under section 7553a of this title prior to trial
20 shall be entitled to an independent, second evidentiary hearing on the merits of
21 the denial of bail, which shall be a hearing de novo by a single Justice of the

1 Supreme Court forthwith. Pursuant to 4 V.S.A. § 22 the Chief Justice may
2 appoint and assign a retired justice or judge with ~~his or her~~ the retired justice's
3 or judge's consent or a Superior judge or District judge to a special assignment
4 on the Supreme Court to conduct that de novo hearing. Such hearing de novo
5 shall be an entirely new evidentiary hearing without regard to the record
6 compiled before the trial court; except, the parties may stipulate to the
7 admission of portions of the trial court record.

8 (e) A person held without bail prior to trial shall be entitled to review of
9 that determination by a panel of three Supreme Court Justices within seven
10 business days after bail is denied.

11 Sec. 30. 28 V.S.A. § 818 is amended to read:

12 § 818. EARNED TIME; REDUCTION OF TERM

13 * * *

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

16 * * *

17 (4) The Department shall:

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

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

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

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

11 * * *

12 Sec. 31. VICTIM NOTIFICATION SYSTEM TASK FORCE; REPORT

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

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

18 (1) the Commissioner of Corrections or designee;

19 (2) the Executive Director of the Center for Crime Victim Services or
20 designee;

1 (3) the Executive Director of the Department of State’s Attorneys and
2 Sheriffs or designee;

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

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

6 (6) two persons who are either victims or survivors of crimes, appointed
7 by the Center for Crime Victim Services.

8 (c) Powers and duties. The Task Force shall study the current state of
9 Vermont’s victim notification system. including:

10 (1) improving victims’ accessibility to information;

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

13 (3) expanding the use of automated notification systems in order to
14 increase options and maximize communication choices for victims and
15 survivors; and

16 (4) recommendations for necessary training and resources.

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

19 (e) Report. On or before November 15, 2025, the Task Force shall submit
20 its findings and recommendations as a written report in the form of proposed
21 legislation to the Joint Legislative Justice Oversight Committee, the House

1 Committees on Corrections and Institutions and on Judiciary, and the Senate
2 Committees on Institutions and on Judiciary.

3 (f) Meetings.

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

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

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

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

10 Sec. 32. ADULT INVOLUNTARY GUARDIANSHIP WORKING
11 GROUP; REPORT

12 (a) Creation. There is created the Adult Involuntary Guardianship
13 Working Group to study jurisdiction of proceedings involving the involuntary
14 guardianship of adults. The Working Group shall examine the advisability of
15 consolidating adult involuntary guardianships under Title 14, Chapter 111,
16 Subchapter 12 (“Title 14 Involuntary Guardianships”) with guardianships for
17 persons with developmental disabilities under Title 18, Chapter 215 (“Title 18
18 Guardianships”), or otherwise amending the statutes to ensure that respondents
19 under Title 18 guardianships have access to voluntary guardianships that is
20 equal to the access to voluntary guardianships available under Title 14.

1 (b) Membership. The Adult Involuntary Guardianship Working Group
2 shall be composed of the following members:

3 (1) the Commissioner of Aging and Independent Living or designee;

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

5 (3) the Court Administrator or designee;

6 (4) a superior judge with experience in Title 18 guardianships,
7 appointed by the Chief Justice;

8 (5) a probate judge appointed by the Chief Justice;

9 (6) a guardian ad litem, appointed by the Court Administrator;

10 (7) an attorney with experience in adult guardianships, appointed by the
11 Vermont Bar Association;

12 (8) an attorney with experience in adult guardianships, appointed by
13 Vermont Legal Aid;

14 (9) an independent mental health evaluator appointed by the
15 Commissioner of Disabilities, Aging and Independent Living; and

16 (10) a member appointed by the Vermont Center for Independent
17 Living.

18 (c) Meetings.

19 (1) The Commissioner of Aging and Independent Living shall call the
20 first meeting of the Working Group to occur on or before August 1, 2025.

1 (2) The Working Group shall select a chair from among its members at
2 the first meeting.

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

4 (d) Report.

5 (1)(A) On or before December 15, 2025, the Working Group shall report
6 its recommendations, including any proposed legislative changes, to the House
7 and Senate Committees on Judiciary, the House Committee on Human
8 Services, and the Senate Committee on Health and Welfare.

9 (B) The report shall recommend whether:

10 (i) Title 14 Involuntary Guardianship proceedings and Title 18
11 Guardianship proceedings should be consolidated in one division of the
12 superior court; or

13 (ii) Title 14 Involuntary Guardianship proceedings and Title 18
14 Guardianship proceedings should remain in separate divisions of the superior
15 court as provided for in existing law.

16 (2) With respect to subdivisions (c)(1)(B)(i) and (ii) of this section, the
17 report shall address:

18 (A) the judicial resources and oversight that would be required;

19 (B) whether, notwithstanding 12 V.S.A. §2553 or 2555, the Vermont
20 Supreme Court should have appellate jurisdiction over guardianship
21 proceedings;

1 (C) the relationship between guardianships under subdivisions
2 (c)(1)(B)(i) and (ii) of this section and voluntary guardianships under 14
3 V.S.A. § 2671; and

4 (D) any other matters deemed relevant by the Working Group,
5 including any matters not currently under the jurisdiction of Title 14
6 Guardianships or Title 18 Guardianships.

7 Sec. 33. 4 V.S.A. § 39 is amended to read:

8 § 39. CAPITAL BUDGET REQUESTS; COUNTY COURTHOUSES

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

13 (b) The Court Administrator shall evaluate requests based on the following
14 criteria:

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

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

1 ~~(3)~~ whether the county has established a capital reserve fund pursuant to
2 24 V.S.A. § 133(e)(3), and, if so, the amount of annual contributions the
3 county has made to the fund;

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

6 ~~(2)(5)~~ whether there is a State-owned courthouse in the county that
7 could absorb court activities in lieu of this capital investment;

8 ~~(3)(6)~~ whether the county consistently has invested in major
9 maintenance in the courthouse;

10 ~~(4)(7)~~ whether the request relates to a State-mandated function;

11 ~~(5)(8)~~ whether the request diverts resources of other current Judiciary
12 capital priorities;

13 ~~(6)(9)~~ whether the request is consistent with the long-term capital needs
14 of the Judiciary, including providing court services adapted to modern needs
15 and requirements; and

16 ~~(7)(10)~~ any other criteria as deemed appropriate by the Court
17 Administrator.

18 (c) Based on the criteria described in subsection (b) of this section, the
19 Court Administrator shall make a recommendation to the Commissioner of
20 Buildings and General Services regarding whether the county's request should

1 be included as part of the Judiciary's request for capital funding in the
2 Governor's annual proposed capital budget request.

3 (d) On or before January 15 of each year, the Court Administrator shall
4 advise the House Committee on Corrections and Institutions and the Senate
5 Committee on Institutions of all county requests received and the Court
6 Administrator's recommendations for the proposed capital budget request.

7 Sec. 34. REPORT

8 On or before January 15, 2026, the Court Administrator and a representative
9 of the Association of County Judges appointed by the President of that
10 Association shall jointly report to the House Committee on Corrections and
11 Institutions and the Senate Committee on Institutions on the progress made to
12 implement the provisions of Sec. 34a 33 of this act. The report shall include a
13 description of the steps taken and processes considered, and any proposed
14 legislative changes necessary, to ensure that capital budget requests for county
15 courthouses include the information required by Sec. 34a 33 of this act.

16 Sec. 35. 23 V.S.A. § 1210(c) is amended to read:

17 (c) Second offense. A person convicted of violating section 1201 of this
18 title who has been convicted of another violation of that section within the last
19 20 years shall be fined not more than \$1,500.00 or imprisoned not more than
20 two years, or both. At least ~~200~~ 80 hours of community service shall be
21 performed, or 60 consecutive hours of the sentence of imprisonment shall be

1 served and may not be suspended or deferred or served as a supervised
2 sentence, except that credit for a sentence of imprisonment may be received for
3 time served in a residential alcohol facility pursuant to sentence if the program
4 is successfully completed.

5 **Sec. 36. REPEAL**

6 **Sec. 35 of this act shall be repealed on July 1, 2028.**

7 **Sec. 37. SENTENCING RECONSIDERATION; WORKING GROUP;**
8 **REPORT**

9 (a) Creation. There is created the Sentencing Reconsideration Working
10 Group to review Vermont's laws concerning the criminal sentencing review
11 process and to propose any changes to current law or practices.

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

14 (1) the Chief Superior Judge or designee;

15 (2) the Defender General or designee;

16 (3) the Commissioner of Corrections or designee;

17 (4) the Executive Director of the Department of State's Attorneys and
18 Sheriffs or designee;

19 (5) the Executive Director of the Vermont Network Against Domestic
20 and Sexual Violence or designee;

21 (6) the Executive Director of Racial Equity or designee; and

1 (7) the Executive Director of the Center for Crime Victim Services or
2 designee.

3 (c) Consultation. The Working group shall consult with stakeholders
4 including:

5 (1) Drop LWOP Law New England;

6 (2) the Racial Disparities in the Criminal and Juvenile Justice System
7 Advisory Panel;

8 (3) the American Civil Liberties Union of Vermont; and

9 (4) impacted survivors and families identified by the Center for Crime
10 Victim Services.

11 (d) Powers and duties. The Working Group shall study Vermont's criminal
12 sentencing review laws and practices, including the following topics:

13 (1) current sentencing ~~guidelines~~ practices;

14 (2) relevant statutory and case law, including a review of 13 V.S.A.
15 § 7042;

16 (3) the resources and procedures of the Vermont Judiciary, the
17 Department of Corrections, the Office of the Defender General, and the
18 Department of Sheriffs and States Attorneys;

19 ~~(4) the resources and procedures of the Department of Corrections;~~

20 (4) victim impact and any role the victim or victim's family should play
21 in the sentencing review process; and

1 ~~(5) the viability of a “second look” review process the manner in which~~
2 ~~a Vermont sentence reconsideration process could operate and how that~~
3 ~~process could relate with other post-conviction remedies currently available.~~

4 ~~(d) Assistance. The Working Group shall have the administrative,~~
5 ~~technical, and legal assistance of the Department of State’s Attorneys and~~
6 ~~Sheriffs.~~

7 (d) Report. On or before November 15, 2025, the Working group shall
8 submit a written report in the form of proposed legislation to House
9 Committees on Judiciary and on Corrections and Institutions and the Senate
10 Committees on Judiciary and on Institutions.

11 (e) Meetings.

12 (1) The Chief Superior Judge or designee shall call the first meeting of
13 the Working Group to occur on or before August 1, 2025.

14 (2) The Chief Superior Judge or designee shall be the chair.

15 (3) The Working Group shall meet not more than six times.

16 (4) The Working Group shall cease to exist on February 15, 2026.

17 **Sec. 38. FAMILY FORENSIC EVALUATOR RECOMMENDATIONS**

18 ~~(a) Family forensic evaluators are mental health professionals who conduct~~
19 ~~evaluations for the purposes of providing information to attorneys, judges, and~~
20 ~~state agencies in child welfare and parenting matters. Such evaluators are an~~
21 ~~important resource in the Family Division of the Superior Court in complex~~

1 eases involving parental rights and responsibilities. A current lack of such
2 evaluators hinders the ability of the judicial system to expeditiously resolve
3 matters before the court in a manner that serves the best interests of children.

4 (a) The General Assembly requests that the Chief Superior Judge, the
5 Director of the Office of Professional Regulation, and the Executive Director
6 of the Vermont Psychological Association work collaboratively to examine the
7 following:

8 (1) the extent of the need for and geographic distribution of family
9 forensic evaluators in complex parental rights and responsibilities cases heard
10 in the Family Division;

11 (2) barriers to increasing the availability of family forensic evaluators in
12 Vermont and whether protections regarding ethical complaints are warranted;
13 and

14 (3) strategies for increasing the number of family forensic evaluators in
15 Vermont.

16 (b) The General Assembly requests that the parties listed in subsection (b)
17 of this section submit their recommendations to the General Assembly on or
18 before November 1, 2025.

19 Sec. 39. EFFECTIVE DATES

20 This act shall take effect on passage, except that Sec. 1 shall take effect on
21 July 2, 2025 and Sec. 33 shall take effect on July 1, 2026.

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6 (Committee vote: _____)

7

8

Representative _____

9

FOR THE COMMITTEE