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H.2

An act relating to increasing the minimum age for delinquency proceedings

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

* * * Family Division Delinquency Jurisdiction * * *

Sec. 1. 33 V.S.A. § 5102 is amended to read:

§ 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION

As used in the juvenile judicial proceedings chapters:

* * *

(2) “Child” means any of the following:

* * *

(C) an individual who has been alleged to have committed or has committed an act of delinquency after becoming ~~10~~ 12 years of age and prior to becoming 22 years of age, unless otherwise provided in chapter 52 or 52A of this title; provided, however:

~~(i) that an individual who is alleged to have committed an act before attaining 10 years of age that would be murder as defined in 13 V.S.A. § 2301 if committed by an adult may be subject to delinquency proceedings;~~
and

~~(ii)~~ (ii) that an individual may be considered a child for the period of time the court retains jurisdiction under section 5104 of this title.

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Sec. 2. 33 V.S.A. § 5103(c) is amended to read:

(c)(1) Except as otherwise provided by this title and by subdivision (2) of this subsection, jurisdiction over a child shall not be extended beyond the child's 18th birthday.

(2)(A) Jurisdiction over a child with a delinquency may be extended until six months beyond the child's:

(i) ~~19th~~ 20th birthday if the child was 16 or 17 years of age when ~~he or she~~ the child committed the offense; or

(ii) ~~20th~~ 21st birthday if the child was 18 years of age when ~~he or she~~ the child committed the offense.

* * *

* * * Raise the Age * * *

Sec. 3. 2024 Acts and Resolves No. 125, Secs. 7–11 are amended to read:

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

Sec. 9. [Deleted.]

Sec. 10. [Deleted.]

Sec. 11. [Deleted.]

1 Sec. 4. 2024 Acts and Resolves No. 125, Sec. 21 is amended to read:

2 Sec. 21. EFFECTIVE DATES

3 * * *

4 (b) ~~Sees. 7–11 shall take effect on April 1, 2025.~~ [Deleted.]

5 Sec. 5. 33 V.S.A. § 5201(d) is amended to read:

6 (d) Any proceeding concerning a child who is alleged to have committed
7 any offense other than those specified in subsection 5204(a) of this title or
8 subdivision (c)(2) or (3) of this section before attaining ~~19~~ 20 years of age shall
9 originate in the Family Division of the Superior Court, provided that
10 jurisdiction may be transferred in accordance with this chapter.

11 Sec. 6. 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~~ 20 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 forthwith transfer the proceeding to the Family Division of the
18 Superior Court under the authority of this chapter, and the minor shall then be
19 considered to be subject to this chapter as a child charged with a delinquent
20 act.

21 * * *

1 (c) If it appears to the State's Attorney that the defendant was under ~~19~~ 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 file charges in the Family Division of the Superior Court, pursuant to section
6 5201 of this title. The Family Division may transfer the proceeding to the
7 Criminal Division pursuant to section 5204 of this title.

8 * * *

9 Sec. 7. 33 V.S.A. § 5204 is amended to read:

10 § 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
11 COURT

12 (a) After a petition has been filed alleging delinquency, upon motion of the
13 State's Attorney and after hearing, the Family Division of the Superior Court
14 may transfer jurisdiction of the proceeding to the Criminal Division of the
15 Superior Court if the child had attained 16 years of age but not ~~19~~ 20 years of
16 age at the time the act was alleged to have occurred and the delinquent act set
17 forth in the petition is a felony not specified in subdivisions (1)–(11) of this
18 subsection or if the child had attained 12 years of age but not 14 years of age at
19 the time the act was alleged to have occurred, and if the delinquent act set forth
20 in the petition was any of the following:

21 * * *

1 Sec. 8. 33 V.S.A. § 5103(c) is amended to read:

2 (c)(1) Except as otherwise provided by this title and by subdivision (2) of
3 this subsection, jurisdiction over a child shall not be extended beyond the
4 child's 18th birthday.

5 (2)(A) Jurisdiction over a child with a delinquency may be extended:

6 (i) until six months beyond the child's:

7 ~~(i)~~(I) 20th birthday if the child was 16 or 17 years of age when
8 the child committed the offense; or

9 ~~(ii)~~(II) 21st birthday if the child was 18 years of age when the
10 child committed the offense; or

11 (ii) until the child's 22nd birthday if the child was 19 years of age
12 when the child committed the offense.

13 * * *

14 Sec. 9. 33 V.S.A. § 5206 is amended to read:

15 § 5206. CITATION OF 16- TO ~~18-YEAR-OLDS~~ 19-YEAR-OLDS

16 (a)(1) If a child was over 16 years of age and under ~~19~~ 20 years of age at
17 the time the offense was alleged to have been committed and the offense is not
18 specified in subsection (b) of this section, law enforcement shall cite the child
19 to the Family Division of the Superior Court.

20 * * *

1 Sec. 10. AGENCY OF HUMAN SERVICES PROGRESS REPORTS

2 (a) On or before July 1, 2026 and December 1, 2026, the Agency of Human
3 Services shall report to the Joint Legislative Justice Oversight Committee, the
4 Senate and House Committees on Judiciary, the House Committee on
5 Corrections and Institutions, the Senate Committee on Institutions, the House
6 Committee on Human Services, and the Senate Committee on Health and
7 Welfare on its progress toward implementing the requirement of this act that
8 the Raise the Age initiative take effect on July 1, 2027. The progress reports
9 required by this section shall describe progress toward implementation of the
10 Raise the Age initiative, as measured by qualitative and quantitative data
11 related to the following priorities:

12 (1) establishing a secure residential facility;

13 (2) expanding capacity for nonresidential treatment programs to provide
14 community-based services;

15 (3) ensuring that residential treatment programs are used appropriately
16 and to their full potential;

17 (4) expanding capacity for Balanced and Restorative Justice (BARJ)
18 contracts;

19 (5) expanding capacity for the provision of services to children with
20 developmental disabilities;

1 (6) establishing a stabilization program for children who are
2 experiencing a mental health crisis;

3 (7) enhancing long-term treatment for children;

4 (8) programming to help children, particularly 18- and 19-year-olds,
5 transition to adulthood;

6 (9) developing district-specific data and information on family services
7 workforce development, including turnover, retention, and vacancy rates; times
8 needed to fill open positions; training opportunities and needs; and instituting a
9 positive culture for employees;

10 (10) installation of a comprehensive child welfare information system;
11 and

12 (11) plans for and measures taken to secure funding for the goals listed
13 in this section.

14 (b) The report required by this section shall provide utilization data for the
15 Red Clover Treatment Facility, including how many youths utilize the Facility
16 on a monthly and annual basis, the length of stay, the treatment needs of the
17 youths who are placed at the Facility, racial and gender demographic data for
18 youths who are placed at the Facility, and any other data deemed relevant by
19 the Department.

1 (c) Failure to meet one or more of the progress report elements listed in
2 subsection (a) of this section shall not be a basis for extending the
3 implementation of the Raise the Age initiative beyond July 1, 2027.

4 * * * Effective Dates * * *

5 Sec. 11. EFFECTIVE DATES; APPLICABILITY

6 (a) Secs. 1, 2, and 10 shall take effect on July 1, 2025.

7 (b) Secs. 3 and 4 and this section shall take effect on March 31, 2025.

8 (c) Secs. 5–9 shall take effect on July 1, 2027.