

1 S.109

2 Senator Hashim moves that the Senate concur with the House proposal of  
3 amendment with further proposal of amendment by striking out all after the  
4 enacting clause and inserting in lieu thereof the following:

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

6 § 164. ADULT COURT DIVERSION PROGRAM

7 (a) Purpose.

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

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

17 \* \* \*

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

19 \* \* \*

20 (3) Adult post-charge diversion requirements. Each State's Attorney, in  
21 cooperation with the Office of the Attorney General and the adult post-charge

1 diversion program, shall develop clear criteria for deciding what types of  
2 offenses and offenders will be eligible for diversion; however, the State's  
3 Attorney shall retain final discretion over the referral of each case for  
4 diversion. All adult post-charge diversion programs receiving financial  
5 assistance from the Attorney General shall adhere to the following:

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

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

12 \* \* \*

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

14 § 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

15 (a) ~~There shall be 34 Superior judges, whose term of office shall, The~~  
16 number of Superior judges shall be as determined by the General Assembly.  
17 The term of office of a Superior judge shall, except in the case of an  
18 appointment to fill a vacancy or unexpired term, begin on April 1 in the year of  
19 their appointment or retention and continue for six years.

20 \* \* \*

## § 1102. JUDICIAL BUREAU; JURISDICTION

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

procurement of tobacco products by a person under 21 years of age.

## § 1106. HEARING

officer in the discretion of that officer.

VT LEG #383886 v.1

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 \* \* \*

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

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

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

10 (a) A will may be deposited for safekeeping in the Probate Division of the  
11 Superior Court for the district in which the testator resides on payment to the  
12 court of the applicable fee required by ~~32 V.S.A. § 1434(a)(17)~~ 32 V.S.A.  
13 § 1434(a)(18). The register shall give to the testator a receipt, shall safely keep  
14 each will so deposited, and shall keep an index of the wills so deposited.

15 \* \* \*

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

17 § 3068. HEARING

18 \* \* \*

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





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) <del>Administrative</del> <u>Chief Superior Judge</u>	\$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. [Deleted.]

17 Sec. 23. [Deleted.]

18 Sec. 24. FIREARM SURRENDER ORDER COMPLIANCE WORKING  
19 GROUP; REPORT

20 (a) Creation. The Office of the Attorney General shall convene a Firearm  
21 Surrender Order Compliance Working Group to develop a uniform process to



1 ensure compliance with court orders to surrender firearms. The Working  
2 Group shall examine the statutory or policy changes necessary to create a  
3 uniform process to monitor compliance, support entities charged with storing  
4 and returning surrendered firearms pursuant to court orders, and identify a  
5 stable and reliable funding source for any additional resources needed to  
6 monitor compliance.

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

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

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

11 (3) the Defender General or designee;

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

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

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

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

20 (8) a federal firearms licensee, appointed by the Attorney General;

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

1           (10) the Vermont Council on Domestic Violence.

2           (c) Consultation. The Working Group shall consult with stakeholders  
3 including:

4           (1) the Commissioner of Corrections;

5           (2) family law practitioners;

6           (3) victim advocates;

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

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

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

11          (7) the Vermont Medical Society;

12          (8) the Commissioner of Mental Health; and

13          (9) the Commissioner of Fish and Wildlife.

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

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

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

\* \* \*



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

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

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

11 § 202. PENALTY FOR DESERTION OR NONSUPPORT

12 A married person who, without just cause, shall desert or willfully neglect  
13 or refuse to provide for the support and maintenance of ~~his or her~~ the person's  
14 spouse and children, leaving them in destitute or necessitous circumstances or  
15 a parent who, without lawful excuse, shall desert or willfully neglect or refuse  
16 to provide for the support and maintenance of ~~his or her~~ the child or an adult  
17 ~~child possessed of sufficient pecuniary or physical ability to support his or her~~  
18 ~~parents, who unreasonably neglects or refuses to provide such support when~~  
19 ~~the parent is destitute, unable to support himself or herself, and resident in this~~  
20 ~~State,~~ shall be imprisoned not more than two years or fined not more than  
21 \$300.00, or both. Should a fine be imposed, the court may order the same to

1 be paid in whole or in part to the needy spouse, ~~parent~~, or to the guardian,  
2 custodian, or trustee of the child. The Office of Child Support attorneys, in  
3 addition to any other duly authorized person, may prosecute cases under this  
4 section in Vermont Superior Court.

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

6 § 818. EARNED TIME; REDUCTION OF TERM

7 \* \* \*

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

10 \* \* \*

11 (4) The Department shall:

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

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

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

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

5 \* \* \*

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

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

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

12 (1) the Commissioner of Corrections or designee;

13 (2) the Executive Director of the Center for Crime Victim Services or  
14 designee;

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

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

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

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

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

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

5                   (1) improving victims’ accessibility to information;

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

8                   (3) expanding the use of automated notification systems in order to  
9           increase options and maximize communication choices for victims and  
10           survivors; and

11                   (4) recommendations for necessary training and resources.

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

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

19           (f) Meetings.

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



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

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

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

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

6           § 39. CAPITAL BUDGET REQUESTS; COUNTY COURTHOUSES

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

11          (b) The Court Administrator shall evaluate requests based on the following  
12          criteria:

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

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

19                (3) whether the county has established a capital reserve fund pursuant to  
20                24 V.S.A. § 133(e)(3), and, if so, the amount of annual contributions the  
21                county has made to the fund;

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

3           ~~(2)~~(5) whether there is a State-owned courthouse in the county that  
4           could absorb court activities in lieu of this capital investment;

5           ~~(3)~~(6) whether the county consistently has invested in major  
6           maintenance in the courthouse;

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

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

10          ~~(6)~~(9) whether the request is consistent with the long-term capital needs  
11          of the Judiciary, including providing court services adapted to modern needs  
12          and requirements; and

13          ~~(7)~~(10) any other criteria as deemed appropriate by the Court  
14          Administrator.

15          (c) Based on the criteria described in subsection (b) of this section, the  
16          Court Administrator shall make a recommendation to the Commissioner of  
17          Buildings and General Services regarding whether the county's request should  
18          be included as part of the Judiciary's request for capital funding in the  
19          Governor's annual proposed capital budget request.

20          (d) On or before January 15 of each year, the Court Administrator shall  
21          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.

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

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

\* \* \*

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

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

§ 128. INCARCERATED PARENTS AND GUARDIANS; FAMILY SUPPORT PROGRAM

(a) Family Support Program. The Department of Corrections shall establish the Family Support Program to provide free parenting and family support at each correctional facility to all incarcerated individuals who are parents and guardians regardless of gender. The Program shall include individualized services and programming intended to provide:

(1) increased knowledge and skill for incarcerated parents and guardians to address the specific needs of their children;

(2) resources to incarcerated parents and guardians to engage in needs-specific planning and communication strategies with their children and their children's caregivers;

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

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

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

3           (6) reentry support and preparation for incarcerated parents and  
4           guardians.

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

9           (c) Annual report. Annually, on or before July 1, the Department shall  
10          submit a written report to the House Committees on Corrections and  
11          Institutions and on Judiciary and the Senate Committees on Institutions and on  
12          Judiciary concerning:

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

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

17          Sec. 34. DEPARTMENT OF CORRECTIONS; FAMILY SUPPORT

18                       PROGRAM; IMPLEMENTATION

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

1      Sec. 35. EFFECTIVE DATES

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

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10           (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE