

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 186  
3 entitled “An act relating to jurisdiction of the Criminal Division over plea  
4 agreements in proceedings related to juvenile offenders” respectfully reports  
5 that it has considered the same and recommends that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

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

9 § 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

10 \* \* \*

11 (d)(1) Any Unless subdivision (2) of this subsection applies, any  
12 proceeding concerning a child who is alleged to have committed any offense  
13 other than those specified in subsection 5204(a) of this title or subdivision  
14 (c)(2) or (3) of this section before attaining 19 years of age shall originate in  
15 the Family Division of the Superior Court, provided that jurisdiction may be  
16 transferred in accordance with this chapter.

17 (2)(A) In a proceeding in the Criminal Division concerning a child who  
18 is alleged to have committed an offense specified in subsection 5204(a) of this  
19 title or subdivision (c)(2) or (3) of this section, the child may elect to enter a  
20 plea agreement in the Criminal Division:

21 (i) to the charged offense; or



1 unless the child elects to enter a plea agreement in the Criminal Division  
2 pursuant to subdivision 5201(d)(2) of this title, file charges in the Family  
3 Division of the Superior Court, pursuant to section 5201 of this title. The  
4 Family Division may transfer the proceeding to the Criminal Division pursuant  
5 to section 5204 of this title.

6 \* \* \*

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

8 § 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

9 \* \* \*

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

16 (2) In a proceeding in the Criminal Division concerning a child who is  
17 alleged to have committed an offense specified in subsection 5204(a) of this  
18 title or subdivision (c)(2) or (3) of this section, the child may elect to enter a  
19 plea agreement in the Criminal Division to an offense other than one specified  
20 in subsection 5204(a) of this title or subdivision (c)(2) or (3) of this section. If

1 the child elects to enter a plea agreement pursuant to this subdivision, the  
2 Criminal Division shall retain jurisdiction over the proceeding.

3 \* \* \*

4 Sec. 4. 33 V.S.A. § 5203 is amended to read:

5 § 5203. TRANSFER FROM OTHER COURTS

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

15 \* \* \*

16 (c) If it appears to the State’s Attorney that the defendant was under 20  
17 years of age at the time the felony offense charged was alleged to have been  
18 committed and the felony charged is not an offense specified in subsection  
19 5204(a) or subdivision 5201(c)(2) or (3) of this title, the State’s Attorney shall,  
20 unless the child elects to enter a plea agreement in the Criminal Division  
21 pursuant to subdivision 5201(d)(2) of this title, file charges in the Family

1 Division of the Superior Court, pursuant to section 5201 of this title. The  
2 Family Division may transfer the proceeding to the Criminal Division pursuant  
3 to section 5204 of this title.

4 \* \* \*

5 Sec. 5. EFFECTIVE DATES

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

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

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15 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE