

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:

1 committed and the felony charged is not an offense specified in subsection
2 5204(a) or subdivision 5201(c)(2) or (3) of this title, the State’s Attorney shall,
3 unless the child elects to enter a plea agreement in the Criminal Division
4 pursuant to subdivision 5201(d)(2) of this title, file charges in the Family
5 Division of the Superior Court, pursuant to section 5201 of this title. The
6 Family Division may transfer the proceeding to the Criminal Division pursuant
7 to section 5204 of this title.

8 * * *

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

10 § 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

11 * * *

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

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

1 committed and the felony charged is not an offense specified in subsection
2 5204(a) or subdivision 5201(c)(2) or (3) of this title, the State’s Attorney shall,
3 unless the child elects to enter a plea agreement in the Criminal Division
4 pursuant to subdivision 5201(d)(2) of this title, file charges in the Family
5 Division of the Superior Court, pursuant to section 5201 of this title. The
6 Family Division may transfer the proceeding to the Criminal Division pursuant
7 to section 5204 of this title.

8 * * *

9 Sec. 5. EFFECTIVE DATES

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

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

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18 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE