



Outlook

Fw: SAs 2025 Legislative Priorities (and related Docs)

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3 attachments (94 KB)

§ 4017. Persons prohibited from possessing firearms; conviction of violent crime (SAS Recommendation) ; DRAFT SAS Recidivism & Related Fixes.docx; DRAFT Recidivism and Related Fixes ;

Mr. Chair – I am including our new Legislative and Policy Attorney, Kim McManus. Connecting this group here on the SAs legislative priorities that we have chatted about. You have all of this in separate emails but sending this one email so it is all in one place and to ensure that Kim has your contact info and vice versa. Much of this has been sent to the House as well.

1. **Firearms** (13 V 4017 expansion). See attached email from October concerning where we left off on this and see charts below for Vermont Intelligence Center (DPS), preliminary gun violence and homicide data, dated 12/6/2024 (source: DPS/VSP 2024).
 - a. SAS is in support of further aligning 13 V.S.A. § 4017, Vermont’s prohibited persons statute, to align with the U.S. Code. See the US Code for a reference, [18 U.S. Code § 922 - Unlawful acts | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#), in relevant part below: “(d) *It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person, including as a juvenile—is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); has been adjudicated as a mental defective or has been committed to any mental institution ...*” The federal language should be drafted to align with Vermont language and Vermont law. SAS supports amending 13 V.S.A. § 4017 concerning prohibited persons to include those who have been found not competent, found not guilty by reason of insanity, and certain conduct regarding illegal drug use. Further, SAS is in support of enhanced penalties for repeated violations of 13 V.S.A. § 4017 as well as a felony-level offense for theft of a firearm. Under current law violations of 13 V.S.A. § 4017 are misdemeanors and diversion eligible. Given the nexus to fatality and gun possession for prohibited persons, SAS believes that there should be an enforcement and penalty scheme that better aligns with the danger that is associated with these crimes. From our view on the frontlines, guns are far more prevalent in and around the drug trade and the nexus has become even more apparent over the past five years ago. Expanding the scope of prohibitions on gun possession to match (or come closer to the federal prohibition) will

allow local law enforcement and prosecutors act before the gun violence occurs. Similarly, if we have someone who was found not competent to stand trial on an aggravated assault causing serious bodily injury and the police see them with a gun, we think it makes a whole lot of sense to have local police and prosecutors empowered to act before that person uses the gun.

(U//FOUO) Vermont Homicide Victims		
Year	Number of Homicide Victims	Number of Gunfire Homicide Victims
2014	11	8
2015	16	13
2016	20	9
2017	16	6
2018	17	12
2019	18	10
2020	15	8
2021	11	9
2022	24	20
2023	26	17
2024 (Year to Date)	22	12

(U//FOUO) Source Note: This data is derived from the Vermont State Police (VSP) Major Crimes Unit (MCU)

(U//FOUO) Caveats: The number of gunfire homicide victims differs between VSP MCU and the Vermont Gun Violence Log as cases of self-defense are excluded from the gun violence log.

(U//FOUO) Vermont Gunfire Incidents						
Year	Threat with a Firearm	Witnessed Gunfire Incident	Non-Lethal Shooting Incidents	Non-lethal Shooting Victim	Gunfire Homicide Incidents	Gunfire Homicide Victim
2022	259	185	22	22	21	21
2023	238	149	20	27	17	19
2024 (January-November)	209	116	13	14	9	11

2. **Recidivism** (see attached for ideas, re: fixing current definition etc.). At present the Department of Corrections calculates recidivism ([see recidivism dashboard](#)) pursuant to Act 41 (2011) Section 5 (see 28 V.S.A. § 4) using the following definition: “The Department

shall calculate the rate of recidivism based upon offenders who are sentenced to more than one year of incarceration who, after release from incarceration, return to prison within three years for a conviction for a new offense or a violation of supervision resulting, and the new incarceration sentence or time served on the violation is at least 90 days.” Thus, “recidivism” under Title 28 does not include those individuals released or convicted each year with a shorter “jail” sentence of one year or less nor does the definition include those convicted of a crime who do not serve time in an incarcerative setting. There is a definitional disconnect between the technical definition of a term, under Vermont law, and the way that term is understood by Vermonters. The current definition is underinclusive of instances of repeated violations of Vermont’s criminal code. Under the current definition, a person could be convicted of 10 instances of violations of the criminal code within a calendar year, be convicted of each one separately, and be sentenced to probation sentences or 1-2 day sentences on each offense—none of which would fall under the definition of “recidivism.”

3. **DUI-Driving Related Package submitted to House Judiciary** (see data below current as of earlier this month and see attached email from the fall for the SAS DUI & driving safety recommended changes, as drafted by the SAS Traffic Safety Resource Prosecutor (TSRP) team). Concerning context, see relevant data below. As of 12/16/24, fatalities: 56 Total (42 vehicle operators, 6 passengers, 6 pedestrians, 2 bicyclists).

As of December 16 in each calendar year shown:		
Year	Fatalities (People)	Fatal Crashes
2024	56	51
2023	67	61
2022	76	73
2021	72	67
2020	62	58

Fatal Crash Data	2024*	2023	2022	2021	2020	2019
Total Fatal Crashes	51	63	73	69	58	44
Total Fatalities (People)	56	69	76	74	62	47
Double Fatality Crashes	3	4	3	5	4	3
Triple Fatality Crashes	1	1	0	0	0	0
Quadruple Fatality Crashes	0	0	0	0	0	0
Operators Suspected as Driving under the Influence of Alcohol Only	4	10	11	10	11	5
Operators Suspected as Driving under the Influence of Drugs Only	11	23	20	18	14	15
Operators Suspected as Driving under the Influence of both Alcohol & Drugs	13	8	13	12	6	2
Active Cannabis - Delta 9 THC Confirmed**	17	14	15	25	14	13
Operators Suspected of Speeding	19	18	21	33	15	14
Operators with Suspended License/ No License	10	14	12	7	13	5
Junior License Operators involved in fatal crashes	3	1	2	5	2	1
"Older Drivers" involved in fatal Crashes (Older Driver is defined as any person age 65 or older.)	6	24	25	19	15	16
Crashes involving a Large Truck/Bus	2	5	11	4	3	10
Motorcyclist Fatalities	6	18	14	16	10	8
<i>*2024 data is as of the date of this report. These numbers are subject to change.</i>						
<i>**Active Cannabis - Delta-9 THC Confirmed is counted in the number of operators that had drugs only or alcohol & drugs.</i>						
<i>***None of the identified groups above are implicated as being "at fault"</i>						

As you are aware SAS is in support of other priorities and initiatives (resources, backlog etc.), but these four issue areas were those priorities where we had prior correspondence and where SAS had set forth some aspect of statutory amendment or focus. Of note, we are in the midst of drafting a VT RICO.

-Tim

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