

Senate proposal of amendment

H. 878.

An act relating to miscellaneous judiciary procedures

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 4 V.S.A. § 41 is added to read:

§ 41. COURT SECURITY OFFICERS

(a) Authorization. The Court Administrator shall define the scope of duties for Judiciary-employed Court Security Officers. The Court Administrator shall have direct authority over Judiciary-employed Court Security Officers and may authorize them to perform judicial security officer functions necessary for the performance of their duties.

(b) Training. The Court Administrator shall develop a training program pursuant to appropriate training standards to perform judicial security officer functions. The Court Administrator shall establish a use of force policy based on State standards.

(c) Training; equipment. At the direction of the Court Administrator and with the approval of the Court Security and Safety Program Manager, Judiciary-employed Court Security Officers shall be provided with training and equipment necessary for the performance of their duties. Equipment provided pursuant to this subsection shall remain the property of the Judiciary.

(d) Coordination of Judiciary security. Judiciary-employed Court Security Officers shall provide security at court properties and at other court-related functions for the Vermont Judiciary at the direction of the Court Administrator.

(e) Construction. This section shall not be construed to limit the Court Administrator's authority to hire additional court security personnel, including private security guards and County Sheriffs.

Sec. 2. 4 V.S.A. § 355 is amended to read:

§ 355. DISQUALIFICATION OR DISABILITY OF JUDGE

When a Probate judge is incapacitated for the duties of office by absence, removal from the district, resignation, sickness, death, or otherwise or if the judge or the judge's spouse or child is heir or legatee under a will filed in the judge's district, or if the judge is executor or administrator of the estate of a deceased person in ~~his or her~~ the judge's district, or is interested as a creditor or otherwise in a question to be decided by the court, ~~he or she~~ the judge shall not act as judge. ~~The judge's duties shall be performed by a Superior judge assigned by the presiding judge of the unit.~~

Sec. 3. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

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

* * *

(4) Violations of 7 V.S.A. § ~~1005(a)~~ 1005, relating to possession of tobacco products by a person under 21 years of age.

* * *

Sec. 4. 12 V.S.A. § 1913(b) is amended to read:

(b) ~~Authentication, admissibility, and presumptions.~~

(1) A digital record electronically registered in a blockchain shall be self-authenticating pursuant to Vermont Rule of Evidence 902, if it is accompanied by a written declaration of a qualified person, made under oath, stating the qualification of the person to make the certification and:

(A) the date and time the record entered the blockchain;

(B) the date and time the record was received from the blockchain;

(C) that the record was maintained in the blockchain as a regular conducted activity; and

(D) that the record was made by the regularly conducted activity as a regular practice.

* * *

Sec. 5. 12 V.S.A. § 3087 is amended to read:

§ 3087. ~~RECOGNIZANCE FOR TRUSTEE'S COSTS~~

~~The plaintiff in a trustee process shall give security for costs to the trustee by way of recognizance by some person other than the plaintiff. The security shall be in the sum of \$50.00 for a summons returnable to a Superior Court. If trustee process issues without a minute of the recognizance, with the name of the surety and the sum in which he or she is bound, signed by the clerk thereon, the trustee shall be discharged. [Repealed.]~~

Sec. 6. 13 V.S.A. § 3281 is amended to read:

§ 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

(a) Short title. This section may be cited as the "Bill of Rights for Sexual Assault Survivors."

(b) Definition. As used in this section, “sexual assault survivor” means a person who is a victim of an alleged sexual offense.

(c) Survivors’ rights. When a sexual assault survivor makes a verbal or written report to a law enforcement officer, emergency department, sexual assault nurse examiner, or victim’s advocate of an alleged sexual offense, the recipient of the report shall provide written notification to the survivor that ~~he or she~~ the survivor has the following rights:

(1) The right to receive a medical forensic examination and any related toxicology testing at no cost to the survivor in accordance with 32 V.S.A. § 1407, irrespective of whether the survivor reports to or cooperates with law enforcement. If the survivor opts to have a medical forensic examination, ~~he or she~~ the survivor shall have the following additional rights:

(A) the right to have the medical forensic examination kit or its probative contents delivered to a forensics laboratory within 72 hours of collection;

(B) the right to have the sexual assault evidence collection kit or its probative contents preserved without charge for the duration of the maximum applicable statute of limitations;

(C) the right to be informed in writing of all policies governing the collection, storage, preservation, and disposal of a sexual assault evidence collection kit;

(D) the right to be informed of a DNA profile match on a kit reported to law enforcement or on a confidential kit, on a toxicology report, or on a medical record documenting a medical forensic examination, if the disclosure would not impede or compromise an ongoing investigation; ~~and~~

(E) the right to be informed of the status and location of the sexual assault evidence collection kit; and

(F) upon written request from the survivor, the right to:

(i) receive written notification from the appropriate official with custody not later than 60 days before the date of the kit’s intended destruction or disposal; and

(ii) be granted further preservation of the kit or its probative contents.

(2) The right to consult with a sexual assault advocate.

(3) The right to information concerning the availability of protective orders and policies related to the enforcement of protective orders.

(4) The right to information about the availability of, and eligibility for, victim compensation and restitution.

(5) The right to information about confidentiality.

(d) Notification protocols. The Vermont Network Against Domestic and Sexual Violence and the Sexual Assault Nurse Examiner Program, in consultation with other parties referred to in this section, shall develop protocols and written materials to assist all responsible entities in providing notification to victims.

Sec. 7. 13 V.S.A. § 3401 is amended to read:

§ 3401. DEFINITION AND PUNISHMENT OF TREASON

A person owing allegiance to this State, who levies war or conspires to levy war against the same, or adheres to the enemies thereof, giving them aid and comfort, within the State or elsewhere, shall be guilty of treason against this State and shall ~~suffer the punishment of death~~ be imprisoned for not less than 25 years with a maximum term of life and, in addition, may be fined not more than \$50,000.00.

Sec. 8. REPEALS

The following sections are repealed: 13 V.S.A. § 7101 (sentence and warrant); 13 V.S.A. § 7102 (pardon); 13 V.S.A. § 7103 (place of execution); 13 V.S.A. § 7104 (manner of confinement); 13 V.S.A. § 7105 (persons present at execution); 13 V.S.A. § 7106 (manner of execution); and 13 V.S.A. § 7107 (returns of Commissioner).

Sec. 9. 13 V.S.A. § 4056 is amended to read:

§ 4056. SERVICE

(a) A petition, ex parte temporary order, or final order issued under this subchapter shall be served in accordance with the Vermont Rules of Civil Procedure and may be served by any law enforcement officer. A court that issues an order under this chapter during court hours shall promptly transmit the order electronically or by other means to a law enforcement agency for service, and shall deliver a copy to the holding station.

(b) A respondent who attends a hearing held under section 4053, 4054, or 4055 of this title at which a temporary or final order under this subchapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A respondent notified by the court on the record shall be required to adhere immediately to the provisions of the order. ~~However, even when the court has previously notified the respondent of the order, the court shall transmit the order for additional service by a law enforcement agency.~~ The clerk shall mail a copy of the order to the respondent at the respondent's last known address.

* * *

Sec. 10. 13 V.S.A. § 4814 is amended to read:

§ 4814. ORDER FOR EXAMINATION OF COMPETENCY

* * *

(d) Notwithstanding any other provision of law, an examination ordered pursuant to subsection (a) of this section may be conducted by a doctoral-level psychologist trained in forensic psychology and licensed under 26 V.S.A. chapter 55. ~~This subsection shall be repealed on July 1, 2024.~~

* * *

Sec. 11. 13 V.S.A. § 4816 is amended to read:

§ 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

* * *

(e) The relevant portion of a psychiatrist's report or of a report conducted pursuant to subsection 4814(d) of this title by a doctoral-level psychologist trained in forensic psychology shall be admitted into evidence as an exhibit on the issue of the person's mental competency to stand trial and the opinion shall be conclusive on the issue if agreed to by the parties and if found by the court to be relevant and probative on the issue.

(f) Introduction of a report under subsection ~~(d)~~(e) of this section shall not preclude either party or the court from calling the psychiatrist or psychologist who wrote the report as a witness or from calling witnesses or introducing other relevant evidence. Any witness called by either party on the issue of the defendant's competency shall be at the State's expense, or, if called by the court, at the court's expense. Notwithstanding any other provision of law or rule, if called as a witness, the psychiatrist or psychologist who wrote the report shall be permitted to provide testimony remotely.

Sec. 12. 13 V.S.A. § 7282 is amended to read:

§ 7282. SURCHARGE

(a) In addition to any penalty or fine imposed by the court for a criminal offense or any civil penalty imposed by the Judicial Bureau for a traffic violation, including any violation of a fish and wildlife statute or regulation, violation of a motor vehicle statute, or violation of any local ordinance relating to the operation of a motor vehicle, except violations relating to seat belts and child restraints and ordinances relating to parking violations, the clerk of the court or Judicial Bureau shall levy an additional surcharge of:

* * *

(8)(A) For any offense or violation committed after June 30, 2006, but before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the Victims Compensation Special Fund.

(B) For any offense or violation committed after June 30, 2008, but before July 1, 2009, \$36.00, of which \$28.75 shall be deposited in the ~~Victims~~^{Victims} Compensation Special Fund.

(C) For any offense or violation committed after June 30, 2009, but before July 1, 2013, \$41.00, of which ~~\$27.50~~ \$23.75 shall be deposited in the Victims Compensation Special Fund created by section 5359 of this title, and of which ~~\$13.50~~ \$10.00 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

(D) For any offense or violation committed after June 30, 2013, but before July 1, 2023, \$47.00, of which ~~\$33.50~~ \$29.75 shall be deposited in the Victims Compensation Special Fund created by section 5359 of this title, and of which ~~\$13.50~~ \$10.00 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

(E) For any offense or violation committed after June 30, 2023, \$47.00, of which \$33.50 shall be deposited in the Victims Compensation Special Fund created by section 5359 of this title, and of which \$13.50 shall be deposited in the Domestic and Sexual Violence Special Fund created by section 5360 of this title.

* * *

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

Sec. 13. 13 V.S.A. § 7554c(e)(3) is amended to read:

(3) All records of information obtained during risk assessment or needs screening shall be stored in a manner making them accessible only to the Director of Pretrial Services and pretrial service coordinators for a period of three years, after which the records shall be maintained as required by ~~sections 117 and 218 of this title~~ 3 V.S.A. §§ 117 and 218 and any other State law. The Director of Pretrial Services shall be responsible for the destruction of records when ordered by the court.

Sec. 14. 14 V.S.A. § 4020 is amended to read:

§ 4020. LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED
STATUTORY FORM POWER OF ATTORNEY

~~(a) As used in this section, “statutory form power of attorney” means a power of attorney substantially in the form provided in section 4051 or 4052 of this title or that meets the requirements for a military power of attorney pursuant to 10 U.S.C. § 1044b, as amended.~~

~~(b)~~ Except as otherwise provided in subsection ~~(e)~~(b) of this section:

(1) a person shall either accept an acknowledged ~~statutory form~~ power of attorney or request a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title not later than seven business days after presentation of the power of attorney for acceptance;

(2) if a person requests a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title, the person shall accept the ~~statutory form~~ power of attorney not later than five business days after receipt of the certification, translation, or opinion of counsel; and

(3) a person may not require an additional or different form of power of attorney for authority granted in the ~~statutory form~~ power of attorney presented.

~~(e)~~(b) A person is not required to accept an acknowledged ~~statutory form~~ power of attorney if:

(1) the person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(2) engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal or state law;

(3) the person has actual knowledge of the termination of the agent’s authority or of the power of attorney before exercise of the power;

(4) a request for a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title is refused;

(5) the person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation, or an opinion of counsel under subsection 4019(d) of this title has been requested or provided; or

(6) the person makes, or has actual knowledge that another person has made, a report to the Adult Protective Services program or other appropriate entity within the Department of Disabilities, Aging, and Independent Living or to a law enforcement agency stating a good faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting for or with the agent.

~~(d)~~(c) A person who refuses in violation of this section to accept an acknowledged ~~statutory form~~ power of attorney is subject to:

- (1) a court order mandating acceptance of the power of attorney; and
- (2) liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

Sec. 15. 14 V.S.A. § 4047 is amended to read:

§ 4047. GIFTS

* * *

(b) An agent may make a gift of the principal's property only as the agent determines is consistent with the principal's objectives if actually known by the agent or, if unknown, as the agent determines is consistent with the principal's best interests based on all relevant factors, including:

- (1) evidence of the principal's intent;
- (2) the principal's personal history of making or joining in the making of lifetime gifts;
- (3) the principal's estate plan;
- (4) the principal's foreseeable obligations and maintenance needs and the impact of the proposed gift on the principal's housing options, access to care and services, and general welfare;
- (5) the income, gift, estate, or inheritance tax consequences of the transaction; and
- (6) whether the proposed gift creates a foreseeable risk that the principal will be deprived of sufficient assets to cover the principal's needs during any period of Medicaid ineligibility that would result from the proposed gift.

~~(c) An agent may make a gift of the principal's property only as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interests based on all relevant factors, including:~~

- ~~(1) the value and nature of the principal's property;~~
 - ~~(2) the principal's foreseeable obligations and need for maintenance;~~
 - ~~(3) minimization of taxes, including income, estate, inheritance, generation skipping transfer, and gift taxes;~~
 - ~~(4) eligibility for a benefit, a program, or assistance under a statute or regulation; and~~
 - ~~(5) the principal's personal history of making or joining in making gifts.~~
- [Repealed.]

Sec. 16. 14 V.S.A. § 4051 is amended to read:

§ 4051. STATUTORY FORM POWER OF ATTORNEY

A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this chapter.

VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

This power of attorney does not authorize the agent to make health-care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you. Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form does not revoke powers of attorney previously executed by you unless you initial the introductory paragraph under DESIGNATION OF AGENT that all previous powers of attorney are revoked.

This form provides for designation of one agent. If you wish to name more than one agent, you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

I _____ (Name of Principal) () revoke all previous powers of attorney and name the following person as my agent:

Name of Agent: _____

Agent's Address: _____

Agent's Telephone Number: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's Address: _____

Successor Agent's Telephone Number: _____

If my agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

Second Successor Agent's Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127, together with the incidental powers enumerated in section 4033 of that chapter.

(~~INITIAL STRIKE THROUGH~~ each subject you DO NOT want to include in the agent's general authority. ~~If you wish to grant general authority over all of the subjects, you may initial "All Preceding Subjects" instead of initialing each subject.~~)

Real Property

Tangible Personal Property

Stocks and Bonds

Commodities and Options

Banks and Other Financial Institutions

Operation of Entity or Business

Insurance and Annuities

Estates, Trusts, and Other Beneficial Interests

Claims and Litigation

Personal and Family Maintenance

- Benefits from Governmental Programs or Civil or Military Service
- Retirement Plans
- Taxes
- ~~All Preceding Subjects~~

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

An agent who is not an ancestor, spouse, or descendant may exercise authority under this power of attorney to create in the agent or in an individual to whom the agent owes a legal obligation of support an interest in my property whether by gift, rights of survivorship, beneficiary designation, disclaimer, or otherwise

Create, amend, revoke, or terminate an inter vivos, family, living, irrevocable, or revocable trust

Consent to the modification or termination of a noncharitable irrevocable trust under 14A V.S.A. § 411

Make a gift, subject to the limitations of 14 V.S.A. § 4047 (gifts) and any special instructions in this power of attorney

Consent to the modification or termination of a noncharitable irrevocable trust under 14A V.S.A. § 411

Create, amend, or change a beneficiary designation

Waive the principal's right to be a beneficiary of a joint and survivor 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 of Title 27 or under common law.

LIMITATION ON AGENT'S AUTHORITY

An agent who is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

WHEN POWER OF ATTORNEY EFFECTIVE

This power of attorney becomes effective when executed unless the principal has initialed one of the following:

() This power of attorney is effective only upon my later incapacity. OR

() This power of attorney is effective only upon my later incapacity or unavailability. OR

() I direct that this power of attorney shall become effective when one or more of the following occurs:

EFFECTIVE DATE

This power of attorney is effective immediately unless I have indicated or stated otherwise in the section above entitled When Power of Attorney Effective or in the section below entitled Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

EFFECTIVE DATE

~~This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.~~

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my estate or a guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for [conservator or guardian] of my estate: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

Name of Nominee for guardian of my person:

Nominee's Address: _____

Nominee's Telephone Number: _____

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid. Unless expressly stated otherwise, this power of attorney is durable and shall remain valid if I become incapacitated or unavailable.

SIGNATURE AND ACKNOWLEDGMENT

Your Name Printed: _____

Your Address: _____

Your Telephone Number: _____

State of: _____

County of: _____

This document was acknowledged before me on: _____ (Date)

by _____ . (Name of Principal)

(Seal, if any): _____

Signature of Notary: _____

My commission expires: _____

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

(1) do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interests;

(2) act in good faith;

(3) do nothing beyond the authority granted in this power of attorney; and

(4) disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner: (Principal's Name) by (Your Signature) as Agent.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

(1) act loyally for the principal's benefit;

(2) avoid conflicts that would impair your ability to act in the principal's best interest;

(3) act with care, competence, and diligence;

(4) keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(5) cooperate with any person that has authority to make health-care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interests; and

(6) attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interests.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of

attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) death of the principal;
- (2) the principal's revocation of the power of attorney or your authority;
- (3) the occurrence of a termination event stated in the power of attorney;
- (4) the purpose of the power of attorney is fully accomplished; or
- (5) if you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127. If you violate the Vermont Uniform Power of Attorney Act, or act outside the authority granted, you may be liable for any damages caused by your violation. In addition to civil liability, failure to comply with your duties and authority granted under this document could subject you to criminal prosecution.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

Sec. 17. 14 V.S.A. § 4052 is amended to read:

§ 4052. STATUTORY SHORT FORM POWER OF ATTORNEY FOR REAL ESTATE TRANSACTIONS

(a) A document substantially in the following form may be used to create a statutory form power of attorney for a real estate transaction that has the meaning and effect prescribed by this chapter. Nothing in this section shall prohibit a principal from using this form to grant other powers to an agent with respect to real property consistent with section 4034 of this title.

VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to take actions for you (the principal) in connection with a real estate transaction (sale, purchase, mortgage, ~~or~~ gift, or other authorized real estate transaction). Your agent will be able to make decisions and act with respect to a specific parcel of land whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127.

DESIGNATION OF AGENT

I/we _____ and _____
(Name(s) of Principal) appoint the following person as my (our) agent:

Name of Agent: _____

Name of Alternate Successor Agent: _____

Address of Property that is the subject of this power of attorney
(Street): _____, (Municipality)
_____, Vermont.

Transaction for which the power of attorney is given:

- Sale
- Purchase or Acquisition
- Mortgage
- Finance and/or Mortgage
- Gift
- Other _____

GRANT OF AUTHORITY

I/we grant my (our) agent and any alternate successor agent authority named in this power of attorney to act for me/us with respect to a real estate transaction involving the property with the address stated above, including, but not limited to, the powers described in 14 V.S.A. § 4034(2), (3), and (4) as provided in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter 127, together with the incidental powers enumerated in section 4033 of that chapter.

POWER TO DELEGATE

If this box is checked, each agent appointed in this power of attorney may delegate the authority to act to another person. Any delegation shall be in writing and executed in the same manner as this power of attorney.

TERM

This power of attorney commences when fully executed and continues until the real estate transaction for which it was given is complete.

SELF HEALING DEALING

If this box is checked, the agent named in this power of attorney may convey the subject real estate with or without consideration to the agent, individually, in trust, or to one or more persons with the agent.

CHOICE OF LAW

This power of attorney and the effect hereof shall be determined by the application of Vermont law and the Vermont Uniform Power of Attorney Act.

SIGNATURE AND ACKNOWLEDGMENT

Your Name Printed

Your Address

Your Telephone Number _____

State of _____

County of _____

This document was acknowledged before me on _____ (Date)

by _____

(Name of Principal)

(Seal, if any)

Signature of Notary _____

My Commission expires: _____

(b) A power of attorney in the form above confers on the agent the powers provided in subdivisions 4034(2), (3), and (4) of this chapter.

Sec. 18. 27 V.S.A. § 305 is amended to read:

§ 305. CONVEYANCES EFFECTED THROUGH POWER OF ATTORNEY

(a) A deed or other conveyance of lands or of an estate or interest therein, made by virtue of a power of attorney, shall not be of any effect or admissible in evidence unless the power of attorney is signed, ~~witnessed by one or more witnesses~~, acknowledged, and recorded in the office where the deed is required to be recorded.

* * *

Sec. 19. 27 V.S.A. § 657 is amended to read:

§ 657. EXECUTION BY GUARDIAN; USE OF POWER OF ATTORNEY

(a) With the approval of the Probate Division, a guardian may convey the real property of a person under guardianship by an ELE deed.

(b) An ELE deed may be executed by an agent under a power of attorney if the power of attorney complies with the ~~requirements of 14 V.S.A. chapter 123 following~~, including any applicable gifting and self-dealing provisions:

(1) 14 V.S.A. chapter 123, if the ELE deed was executed before July 1, 2023; or

(2) 14 V.S.A. chapter 127, if the ELE deed was executed on or after July 1, 2023.

Sec. 20. 15 V.S.A. § 558 is amended to read:

§ 558. ~~WOMAN~~ SPOUSE ALLOWED TO TAKE MAIDEN PRIOR
NAME

Upon granting a divorce ~~to a woman~~, unless good cause is shown to the contrary, the court ~~may~~ shall allow ~~her~~ a spouse to resume ~~her maiden~~ the spouse's prior name or the name of a former ~~husband~~ spouse.

Sec. 21. 15 V.S.A. § 788 is amended to read:

§ 788. PARENT'S RESPONSIBILITY

(a) Any parent subject to a child support or parental rights and responsibilities order shall notify in writing the court ~~which that~~ issued the most recent order and the Office of Child Support of ~~his or her~~ the parent's current mailing address and current residence address and of any change in either address within seven business days ~~of~~ after the change, until all obligations to pay support or support arrearages, or to provide for parental rights and responsibilities are satisfied. For good cause, the court may keep information provided under this subsection confidential.

(b) When a wage withholding order is in effect, either parent shall notify in writing the registry of the name and address of a new employer within seven days ~~of~~ after commencing new employment. If the Registry has received information that a parent has changed employment, it shall notify the other parent of the fact of the change but shall not disclose the identity or the location of the employer. On request of a parent, the Registry shall provide information on the other parent's wages.

(c)(1) In all cases in which a temporary or final order for relief from abuse has been entered, information provided under this section shall be kept confidential by the court. The court, for good cause shown, may release such information.

(2) For purposes of this subsection, good cause shall be deemed established when:

(A) a party to the relief from the abuse order consents to the release of the party's own information, in which case the court may release that party's information; or

(B) the temporary or final order for relief from abuse is no longer in effect.

Sec. 22. 23 V.S.A. § 203 is amended to read:

§ 203. COUNTERFEITING, FRAUD, AND MISUSE; PENALTY

(a) A person shall not:

* * *

(2) display or cause or permit to be displayed, or have in ~~his or her~~ the person's possession, any fictitious or fraudulently altered operator's license, learner's permit, nondriver identification card, inspection sticker, registration certificate, or in-transit registration permit, or display for any fraudulent purpose an expired or counterfeit insurance identification card or similar document;

* * *

(b)(1) Except as provided in subdivision (2) of this subsection, a violation of subsection (a) of this section shall be a traffic violation for which there shall be a penalty of not more than \$1,000.00. If a person is found to have committed the violation, the person's privilege to operate motor vehicles shall be suspended for 60 days.

(2)(A) If a person may be charged with a violation of subdivision (a)(2) of this section or with a violation of 7 V.S.A. § 656, the person shall be charged with a violation of 7 V.S.A. § 656 and not with a violation of this section.

(B) If a person may be charged with a violation of subdivision (a)(2) of this section or with a violation of 7 V.S.A. § 1005, the person shall be charged with a violation of 7 V.S.A. § 1005 and not with a violation of this section.

Sec. 23. 27 V.S.A. § 349 is amended to read:

§ 349. CONVEYANCE TO GRANTOR AND OTHERS

(a)(1) Without an intervening conveyance, a person may convey interests in real estate directly:

(1)(A) to ~~himself or herself~~ themselves in a different legal capacity; or

(2)(B) to ~~his or her~~ the person's spouse; or

(3)(C) to ~~himself or herself~~ themselves and one or more other persons, including ~~his or her~~ the person's spouse.

(2) A person shall not convey an interest in a tenancy by the entirety or in homestead property to any person except ~~his or her~~ the person's spouse, unless the spouse joins in the conveyance.

(b) A conveyance made pursuant to this section shall be effective to convey such title as would be conveyed by the deed if the grantor were not also a grantee.

Sec. 24. 27 V.S.A. § 378 is amended to read:

§ 378. EFFECT OF RECORDING UNACKNOWLEDGED DEED

A person interested in a deed or lease not acknowledged may cause the deed or lease to be recorded without acknowledgment before or during the application to the court or the proceedings before any of the authorities named in sections ~~371-376~~ 371-375 of this title; and, when so recorded in the proper office, it shall be as effectual as though the same had been duly acknowledged and recorded for 60 days thereafter. If such proceedings for proving the execution of the deed are pending at the expiration of such 60 days, the effect of such record shall continue until the expiration of six business days after the termination of the proceedings.

Sec. 25. 27 V.S.A. § 1302 is amended to read:

§ 1302. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

(7) "Common expenses" include:

(A) all sums lawfully assessed against the apartment or site owners by the association of owners;

(B) expenses of administration, maintenance, repair, or replacement of the common areas and facilities;

(C) expenses agreed upon as common expenses by the association of owners; and

(D) expenses declared common expenses by this chapter, or by the declaration or the bylaws.

* * *

Sec. 26. 27 V.S.A. § 1470(a) is amended to read:

(a) ~~It~~ As used in this section, "Death Master File" means the U.S. Social Security Administration Death Master File or other database or service that is at least as comprehensive as the U.S. Social Security Administration Death Master File for determining that an individual reportedly has died.

Sec. 27. 27 V.S.A. § 1531(b) is amended to read:

(b) Before selling property under subsection (a) of this section, the Administrator shall give notice to the public of:

- (1) the date of the sale; and
- (2) a reasonable description of the property.

Sec. 28. 27 V.S.A. § 1533(b) is amended to read:

(b) Replacement of the security or calculation of market value under subsection (a) of this section must take into account a stock split, reverse stock split, stock dividend, or similar corporate action.

Sec. 29. 27 V.S.A. § 1552(c) is amended to read:

(c) The Administrator shall decide a claim under this section not later than 90 days after it is presented. If the Administrator determines that the other state is entitled under subsection (a) of this section to custody of the property, the Administrator shall allow the claim and pay or deliver the property to the other state.

Sec. 30. 27 V.S.A. § 1595(a) is amended to read:

(a) If a holder enters into a contract or other arrangement for the purpose of evading an obligation under this chapter or otherwise willfully fails to perform a duty imposed on the holder under this chapter, the Administrator may require the holder to pay the Administrator, in addition to interest as provided in subsection 1594(a) of this title, a civil penalty of \$1,000.00 for each day the obligation is evaded or the duty is not performed, up to a cumulative maximum amount of \$25,000.00, plus 25 percent of the amount or value of property that should have been but was not reported, paid, or delivered as a result of the evasion or failure to perform.

Sec. 31. REPEAL

27 V.S.A. chapter 7, subchapter 4 (congregational churches) is repealed.

Sec. 32. CONSTRUCTION OF ACT; PROPERTY INTERESTS NOT AFFECTED

Sec. 31 of this act repeals 27 V.S.A. chapter 7, subchapter 4 for the purpose of removing the statutory duties and procedures governing the transfer of property by congregational churches. This act shall not be construed to affect a religious corporation's rights or property interest in congregational church property. This act shall not supersede any act of the General Assembly that vested specific rights or interests in, or established specific procedures for the transfer of property by, a chartered religious corporation.

Sec. 33. 28 V.S.A. § 126 is amended to read:

§ 126. COORDINATED JUSTICE REFORM ADVISORY COUNCIL

* * *

(c) Powers and duties. The Coordinated Justice Reform Advisory Council shall:

* * *

(5) on or before September 1, 2023 and annually thereafter, recommend to the Commissioner of Corrections ~~the~~ a new appropriate allocation of not more than \$900,000.00 from the Justice Reinvestment II line item of the Department of Corrections' budget for the ~~upcoming~~ next fiscal year to support community-based programs and services, related data collection and analysis capacity, and other initiatives in accordance with subsection (a) of this section.

* * *

(e) Reports. On or before November 15, 2023 and annually thereafter, the Coordinated Justice Reform Advisory Council shall submit recommendations pursuant to subdivisions (c)(4) and (c)(5) of this section to the Joint Legislative Justice Oversight Committee; the Senate Committees on Appropriations and on Judiciary; and the House Committees on Appropriations, on Corrections and Institutions, and on Judiciary. Any recommendations submitted pursuant to subdivision (c)(4) shall be in the form of proposed legislation. The Council shall include in its reports the efforts it has made to consult with the organizations listed in subdivision (c)(3) of this section.

* * *

Sec. 34. 28 V.S.A. § 102 is amended to read:

§ 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;
POWERS; RESPONSIBILITIES

* * *

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

* * *

(23) To include the Coordinated Justice Reform Advisory Council's appropriation recommendations made pursuant to subdivision 126(c)(5) of this title in the Department's annual proposed budget for the next subsequent fiscal year for the purposes of developing the State budget required to be submitted to the General Assembly in accordance with 32 V.S.A. § 306.

Sec. 35. 29 V.S.A. § 561 is added to read:

§ 561. RELEASE OF OIL AND GAS LEASES

(a) After the expiration, cancellation, surrender, or relinquishment of an oil and gas lease, upon written request of the lessor, the lessee shall file a release or discharge of the lease in the land records of the town or towns where the lands described in the lease are located. The filing shall be in recordable form and shall include any fees.

(b) If any lessee, or the lessee's personal representative, successor, or assign, fails or refuses to record a release for a period of 30 days after being so requested, the lessee shall be liable for all damages occasioned thereby, including costs and reasonable attorney's fees.

(c) A lessor's request for release or discharge shall be in writing and delivered to the lessee by personal service or registered mail at the lessee's last known address.

Sec. 36. 29 V.S.A. § 563 is added to read:

§ 563. ABANDONMENT OF OIL AND GAS INTERESTS;
PRESERVATION

(a) An abandoned interest in oil and gas shall revert to and merge with the surface estate from which it was severed.

(b) An interest in oil and gas is deemed abandoned at any time that:

(1) it has been unused for a continuous period of 10 years after July 1, 1973; and

(2) no statement of interest under subsection (e) of this section has been filed at any time within the preceding five years.

(c) The provisions of subsection (b) of this section shall not apply to any interest in oil or gas that has been retained by the owner who originally severed the mineral estate from the surface estate, notwithstanding that other interests in the land, including ownership of the surface, may have been sold, leased, mortgaged, or otherwise transferred.

(d) This section applies to all interests in oil and gas. It also applies to interests in other minerals if created inclusively in the same instrument that expressly creates an oil and gas interest. It does not apply to mineral interests that do not expressly include an oil and gas interest or were intended to be separate from an oil and gas interest.

(e) An interest in oil and gas is deemed used at any time in which:

(1) there is actual production of oil or gas, including production from lands covered by a lease to which an oil and gas interest is subject, or from lands pooled or unitized with such lands;

(2) oil and gas operations are conducted under the terms of the instrument creating the oil and gas interest;

(3) payment is made of rental or royalties for the purpose of delaying the use or continuing the use of the oil and gas interest;

(4) payment of taxes is made on the oil and gas interest; or

(5) there exists a currently valid permit under 10 V.S.A. chapter 151 or a currently valid drilling permit under this chapter for development of the oil and gas interest.

(f) The owner of an interest in oil or gas may file a statement of interest in the land records of any municipality in which the land affected is located. The statement shall include a description of the land affected, the nature of the interest claimed, the book and page of recording of the original grant of the interest, and the name and address of the person claiming the interest.

(g) The owner of the surface estate from which an oil and gas interest was severed may give notice of abandonment under this subsection. Notice shall contain the name of the record owner of the interest; a description of the land and the nature of the interest; the book and page of filing of the interest, if it is filed; the name and address of the person giving notice; and a statement that the interest is presumed abandoned. The notice shall be published in a newspaper of general circulation in the town or towns where the land affected is located. If the address of the owner of the oil and gas interest is shown on record, a copy of the notice shall be mailed to that address by certified or registered mail within 10 days after the date of publication.

(h) A copy of the notice under subsection (g) of this section, and an affidavit, may be filed in the land records of the municipality in which the land is located. The affidavit shall state that the oil or gas interest has been abandoned under the criteria set forth in subsection (b) of this section, and that notice of abandonment has been given under the criteria set forth in subsection (g). After the notice and affidavit have been filed, unless a court finds to the contrary, the oil and gas interest shall be presumed abandoned, and the interest of the surface owner shall be presumed for all purposes free of encumbrance from that interest.

Sec. 37. 2022 Acts and Resolves No. 165, Secs. 8–10 are amended to read:

Sec. 8. [Deleted.]

Sec. 9. [Deleted.]

Sec. 10. [Deleted.]

Sec. 38. 2022 Acts and Resolves No. 165, Sec. 11(d) is amended to read:

~~(d) Secs. 8–10 (repeal of authority to use gun suppressors while hunting) shall take effect on July 1, 2024. [Deleted.]~~

Sec. 39. REPEAL OF DEPARTMENT OF CORRECTIONS PILOT

PROJECT

Sec. 2 of 2021 Acts and Resolves No. 14 (Department of Corrections pilot project requiring report to court prior to sentencing a defendant to a term of probation for a felony) is repealed.

Sec. 40. 20 V.S.A. § 4626 is added to read:

§ 4626. DRONES; OPERATION OVER PRIVATE PROPERTY WITHOUT CONSENT OF OWNER; CIVIL PENALTY

(a) A person shall not fly a drone for hobby or recreational purposes at an altitude of less than 100 feet above privately owned real property unless the person has obtained prior written consent from the property owner.

(b) A person shall not, without the prior written consent of the property owner or occupant, use a drone to record an image of privately owned real property or of the owner or occupant of the property with the intent to conduct surveillance on the person or the property in violation of the person's reasonable expectation of privacy. For purposes of this subsection, a person is presumed to have a reasonable expectation of privacy on the person's privately owned real property if the person is not observable by another person located at ground level in a place where the other person has a legal right to be, regardless of whether the person is observable from the air using a drone.

(c) A person engaged in the business of selling drones shall provide written notice to each purchaser of a drone required to be registered by the U.S. Department of Transportation about the requirements under subsections (a) and (b) of this section for flying a drone above privately owned real property without the property owner's prior written consent.

(d) A person who violates this section shall be assessed a civil penalty of not more than:

- (1) \$50.00 for a first violation; or
- (2) \$250.00 for a second or subsequent violation.

(e) As used in this section:

(1) "Property owner" means a person who owns, leases, licenses, or otherwise controls ownership or use of land, or an employee or agent of that person.

(2) "Surveillance" means:

(A) with respect to an owner or occupant of privately owned real property, the observation of the person with sufficient visual clarity to be able to obtain information about the person's identity, habits, conduct, movements, or whereabouts; or

(B) with respect to privately owned real property, the observation of the property's physical improvements with sufficient visual clarity to be able to determine unique identifying features about the property or information about its owners or occupants.

(f) This section shall not apply to the use of drones by:

(1) distribution or transmission utilities or their contractors for purposes of ensuring system reliability and resiliency; or

(2) a law enforcement officer for legitimate law enforcement purposes.

Sec. 41. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

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

* * *

(33) Violations of 20 V.S.A. § 4626, relating to flying, and providing information about flying, a drone above privately owned real property without the owner's consent.

* * *

Sec. 42. [Deleted.]

Sec. 43. 32 V.S.A. § 9617 is amended to read:

§ 9617. NOTICES; APPEALS

Unless otherwise provided by this title:

* * *

(8)(A) At any time within three years after the date a property is transferred, a taxpayer may petition the Commissioner in writing for the refund of all or any part of the amount of tax paid. The Commissioner shall thereafter grant a hearing subject to the provisions of 3 V.S.A chapter 25 upon the matter and notify the taxpayer in writing of the Commissioner's determination concerning the refund request. The Commissioner's determination may be appealed as provided in subdivision (5) of this section. This shall be a taxpayer's exclusive remedy with respect to the refund of taxes under this chapter, except as provided under subdivision (B) of this subsection subdivision (8).

(B) If the transfer taxed by this chapter was an enhanced life estate interest and that interest is revoked or revised pursuant to 27 V.S.A. chapter 6, the person who paid the tax may petition for a refund, ~~provided that the petition is made within eight years after the date of payment of the tax and~~

~~within one year at any time~~ after the date of revocation or revision. ~~No petition for a refund shall be granted for the revocation or revision of an interest that occurred eight years or more after the date of payment of the tax.~~ In the case of a revision, the revised enhanced life estate interest transfer shall be subject to tax under this chapter.

Sec. 44. [Deleted.]

Sec. 45. 13 V.S.A. § 2606 is amended to read:

§ 2606. DISCLOSURE OF SEXUALLY EXPLICIT IMAGES WITHOUT CONSENT

(a) As used in this section:

(1) “Disclose” includes transfer, publish, distribute, exhibit, or reproduce.

(2) “Harm” means physical injury, financial injury, or serious emotional distress.

(3) “Nude” means any one or more of the following uncovered parts of the human body:

(A) genitals;

(B) pubic area;

(C) anus; or

(D) post-pubescent female nipple.

(4) “Sexual conduct” shall have the same meaning as in section 2821 of this title.

(5) “Visual image” includes a photograph, film, videotape, recording, or digital reproduction, including an image created or altered by digitization.

(6) “Digitization” means the process of altering an image in a realistic manner utilizing an image or images of a person, including images other than the person depicted, or computer-generated images.

(b)(1) A person violates this section if ~~he or she~~ the person knowingly discloses a visual image of an identifiable person who is nude or who is engaged in sexual conduct, without ~~his or her~~ the person’s consent, with the intent to harm, harass, intimidate, threaten, or coerce the person depicted, and the disclosure would cause a reasonable person to suffer harm. A person may be identifiable from the image itself or information offered in connection with the image. Consent to recording or production of the visual image does not, by itself, constitute consent for disclosure of the image. A person who violates this subdivision (1) shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(2) A person who violates subdivision (1) of this subsection with the intent of disclosing the image for financial profit shall be imprisoned not more than five years or fined not more than \$10,000.00, or both.

(c) A person who maintains an ~~Internet~~ internet website, online service, online application, or mobile application that contains a visual image of an identifiable person who is nude or who is engaged in sexual conduct shall not solicit or accept a fee or other consideration to remove, delete, correct, modify, or refrain from posting or disclosing the visual image if requested by the depicted person.

(d) This section shall not apply to:

(1) Images involving voluntary nudity or sexual conduct in public or commercial settings or in a place where a person does not have a reasonable expectation of privacy.

(2) Disclosures made in the public interest, including the reporting of unlawful conduct, or lawful and common practices of law enforcement, criminal reporting, corrections, legal proceedings, or medical treatment.

(3) Disclosures of materials that constitute a matter of public concern.

(4) Interactive computer services, as defined in 47 U.S.C. § 230(f)(2), or information services or telecommunications services, as defined in 47 U.S.C. § 153, for content solely provided by another person. This subdivision shall not preclude other remedies available at law.

(e)(1) A plaintiff shall have a private cause of action against a defendant who knowingly discloses, without the plaintiff's consent, an identifiable visual image of the plaintiff while ~~he or she~~ the plaintiff is nude or engaged in sexual conduct and the disclosure causes the plaintiff harm.

(2) In addition to any other relief available at law, the court may order equitable relief, including a temporary restraining order, a preliminary injunction, or a permanent injunction ordering the defendant to cease display or disclosure of the image. The court may grant injunctive relief maintaining the confidentiality of a plaintiff using a pseudonym.

Sec. 46. 15A V.S.A. § 3-504 is amended to read:

§ 3-504. GROUNDS FOR TERMINATING RELATIONSHIP OF PARENT AND CHILD

(a) If a respondent answers or appears at the hearing and asserts parental rights, the court shall proceed with the hearing expeditiously. If the court finds, upon clear and convincing evidence, that any one of the following grounds exists and that termination is in the best interests of the minor, the court shall order the termination of any parental relationship of the respondent to the minor:

* * *

(2) In the case of a minor over six months of age at the time the petition is filed, the respondent did not exercise parental responsibility for a period of at least six months immediately preceding the filing of the petition. In making a determination under this subdivision, the court shall consider all relevant factors, which may include the respondent's failure to:

(A) ~~make reasonable and consistent payments, in accordance with his or her financial means, for the support of the minor, although legally obligated to do so; [Repealed.]~~

(B) regularly communicate or visit with the minor; or

(C) during any time the minor was not in the physical custody of the other parent, manifest an ability and willingness to assume legal and physical custody of the minor.

* * *

Sec. 47. 13 V.S.A. § 3835 is added to read:

§ 3835. SURVEILLANCE DEVICES; PLACEMENT ON PRIVATE PROPERTY WITHOUT CONSENT OF OWNER; CIVIL PENALTY

(a) A person shall not place a camera or other surveillance device on any privately owned real property with the intent to conduct surveillance on a person or the property unless the person has obtained prior written consent from the property owner.

(b) A person who violates this section shall be assessed a civil penalty of not more than:

(1) \$50.00 for a first violation; or

(2) \$250.00 for a second or subsequent violation.

(c) This section shall not apply to the use of a camera or other surveillance device by a law enforcement officer for legitimate law enforcement purposes.

(d) As used in this section:

(1) "Property owner" means a person who owns, leases, licenses, or otherwise controls ownership or use of land, or an employee or agent of that person.

(2) "Surveillance" means:

(A) with respect to an owner or occupant of privately owned real property, the observation of the person with sufficient visual clarity to be able to obtain information about the person's identity, habits, conduct, movements, or whereabouts; or

(B) with respect to privately owned real property, the observation of the property's physical improvements with sufficient visual clarity to be able to determine unique identifying features about the property or information about its owners or occupants.

(3) "Surveillance device" means a device hidden or obscured from plain view that permits the observation of privately owned real property or the activities of a person on the property in a manner that invades a person's reasonable expectation of privacy.

Sec. 48. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

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

* * *

(34) Violations of 13 V.S.A. § 3835, relating to placing a camera or other surveillance device on privately owned real property without the owner's consent.

* * *

Sec. 49. INDIVIDUALS WITH INTELLECTUAL DISABILITIES;
SECURE, COMMUNITY-BASED RESIDENCES

(a) In fiscal year 2025, the Department of Disabilities, Aging, and Independent Living may construct, develop, purchase, or contract for one or more secure, community-based residences for the treatment of individuals in the Commissioner's custody. The Commissioner shall ensure that a secure, community-based residence authorized under this section provides appropriate custody, care, and habilitation in a designated program, including the provision of psychiatric, psychological, nursing, and other medical care, as needed by the resident.

(b) Notwithstanding 18 V.S.A. chapter 221, subchapter 5, the establishment of one or more secure, community-based residences pursuant to this section shall not require a certificate of need.

(c) As used in this section:

(1) "Designated program" has the same meaning as in 18 V.S.A. § 8839.

(2) "Secure" means that residents may be physically prevented from leaving the residence by means of locking devices or other mechanical or physical mechanisms.

Sec. 50. REPORT; COMPETENCY RESTORATION PROGRAM; FISCAL
ESTIMATE

On or before November 1, 2024, the Agency of Human Services shall submit a report to the House Committees on Appropriations and on Health Care and to the Senate Committees on Appropriations and on Health and Welfare that provides a fiscal estimate for the implementation of a competency restoration program operated or under contract with the Department of Mental Health. The estimate shall include:

(1) whether and how to serve individuals with an intellectual disability in a competency restoration program;

(2) varying options dependent upon which underlying charges are eligible for court-ordered competency restoration; and

(3) costs associated with establishing a residential program where court-ordered competency restoration programming may be performed on an individual who is neither in the custody of the Commissioner of Mental Health pursuant to 13 V.S.A. § 4822 nor in the custody of the Commissioner of Disabilities, Aging, and Independent Living pursuant to 13 V.S.A. § 4823.

Sec. 51. [Deleted.]

Sec. 52. [Deleted.]

Sec. 53. [Deleted.]

Sec. 54. DEPARTMENT OF PUBLIC SAFETY PROPOSAL; ASSET FORFEITURE REPORTING

On or before December 15, 2024, the Department of Public Safety shall report to the Senate and House Committees on Judiciary proposed options for compiling and submitting periodic reports to the Legislature containing data about criminal and civil seizures and forfeitures made by law enforcement agencies in Vermont under federal and State law. The proposed options shall:

(1) further the goal of increasing transparency with respect to asset seizures and forfeitures;

(2) describe how the data could be formatted in an understandable and consumable manner; and

(3) include options for providing data about:

(A) how often asset seizure and forfeitures occur in Vermont;

(B) the types of offenses that result in asset seizure and forfeitures;

(C) the disposition of cases in which an asset seizure or forfeiture occurred; and

(D) how the seized or forfeited property was allocated and used.

Sec. 55. [Deleted.]

Sec. 56. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter:

* * *

(40) ~~“Crack cocaine” means the free base form of cocaine. [Repealed.]~~

* * *

Sec. 57. 18 V.S.A. § 4231 is amended to read:

§ 4231. COCAINE

* * *

(c) Trafficking.

(1) ~~Trafficking.~~ A person knowingly and unlawfully possessing cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine with the intent to sell or dispense the cocaine shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine intends to sell or dispense the cocaine. The amount of possessed cocaine under this subdivision to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be ~~no~~ not less than 400 grams in the aggregate.

(2) ~~A person knowingly and unlawfully possessing crack cocaine in an amount consisting of 60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine with the intent to sell or dispense the crack cocaine shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses crack cocaine in an amount consisting of 60 grams or more of one or more preparations, compounds, mixtures, or substances containing crack cocaine intends to sell or dispense the crack cocaine. [Repealed.]~~

Sec. 58. EFFECTIVE DATES

This act shall take effect on passage, except that notwithstanding 1 V.S.A. § 214, Sec. 12 (13 V.S.A. § 7282) shall take effect on passage and shall apply retroactively to July 1, 2023.