



VERMONT DEPARTMENT OF STATE'S ATTORNEYS AND
SHERIFFS 2023 ANNUAL RETREAT – LEGISLATIVE UPDATES
(JUNE 2023)
(DRAFT, MAY BE SUBJECT TO CHANGE, 6/14/23)

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AGENDA AND NOTES

- ❖ **Review the bills that became law during the 2023 Legislative session and a few that did not.**
- ❖ **Themes?**
- ❖ **Process: The Vermont Legislature operates on a two-year calendar, known as a biennium. If a bill is shelved during the first year of the biennium, it can resume the legislative process the following January. The legislative process is a fluid process and bills that are not currently moving may be attached or subject to amendment or inclusion at any point.**
 - ✓ [Click Here for All Bills *Passed* by Both House and Senate During the 2023 Legislative Session.](#)
 - ✓ [Click Here for All Bills *Introduced* During the 2023 Legislative Session.](#)
 - ✓ [Click Here for All Bills that Have Been *Enacted into Law or Allowed to Become Law* \(current as of 6/12/23\).](#)
- ❖ **684 Bills were Introduced during the 2023 Legislative Session.**
- ❖ **96 Bills were passed by both House and Senate.**
- ❖ **SAS reviewed each bill and found that 145 introduced bills had some overlap or direct impact to the Justice System and SAS work.**
- ❖ **Testimony, Information, Expertise.**

BILLS SIGNED BY THE GOVERNOR OR ALLOWED TO BECOME LAW, WITH OVERLAP TO SAS WORK

(CURRENT AS OF 6.14.23) (ALL BILLS LINKED BELOW TO LEGISLATIVE WEBPAGE)

- [\(Act No. 23\) \(S.4\) \(LINKED HERE\)](#) – An act relating to reducing crimes of violence associated with juveniles and dangerous weapons.
- [\(Act No. 24\) \(S.36\) \(LINKED HERE\)](#) – An act relating to crimes against health care workers at hospitals and against emergency medical treatment providers.
- [\(Act No. 27\) \(S.89\) \(LINKED HERE\)](#) – An act relating to establishing a forensic facility.
- [\(Act No. 28\) \(S.91\) \(LINKED HERE\)](#) – An act relating to competency to stand trial and insanity as a defense.
- [\(Act No. 22\) \(H.222\) \(LINKED HERE\)](#) – An act relating to reducing overdoses.
- [\(Act No. 19\) \(H.53\) \(LINKED HERE\)](#) – An act relating to driver’s license suspensions and eliminates the suspension of a driver’s license based solely on the non-payment of civil penalties.
- [\(Act No. 45\) \(H.230\) \(LINKED HERE\) \(ALLOWED TO BECOME LAW\)](#) – An act relating to suicide prevention and reduction of community violence. Was enacted without signature on June 1, 2023.
- [\(Act No. 46\) \(S.33\) \(LINKED HERE\)](#) – An act relating to miscellaneous judiciary procedures.
- [\(Act No. 14\) \(H.89\) \(LINKED HERE\)](#) – An act relating to civil and criminal procedures concerning legally protected health care activity.
- [\(Act No. 13\) \(S.3\) \(LINKED HERE\)](#) – An act relating to prohibiting paramilitary training camps.
- [\(Act No. 11\) \(H.41\) \(LINKED HERE\)](#) – An act relating to referral of domestic and sexual violence cases to community justice centers.
- [\(Act No. 5\) \(H.28\) \(LINKED HERE\)](#) – An act relating to diversion and expungement.
- [\(Act No. 9\) \(H.35\) \(LINKED HERE\)](#) – An act relating to the Victims Assistance Program.
- [\(Act No. 31\) \(S.48\) \(LINKED HERE\)](#) – An act relating to regulating the sale of catalytic converters.
- [\(Act No. 40\) \(S.14\) \(LINKED HERE\)](#) – An act relating to a report on criminal justice-related investments and trends.
- [\(Act No. 29\) \(S.138\) \(LINKED HERE\)](#) – An act relating to school safety.

(ACT 23) (S.4)

(EFFECTIVE ON PASSAGE)

AN ACT RELATING TO REDUCING CRIMES OF VIOLENCE ASSOCIATED WITH JUVENILES AND DANGEROUS WEAPONS.

- Along with H.230, S.4 was the major violence prevention and firearm-related bill of the 2023 session.
- **Sec. 1 and Sec. 2 amends 33 V.S.A. § 5204** and results in a **slight expansion of “Big 12” to include:**
 - **Agg Murder**
 - **Agg Sexual Assault**
 - **“Attempted” Big 12s**
 - **VCRs related to, stemming-from, existing Big 12s (amends 33 V.S.A. § 5201)**
 - Further study of Big 12 expansion has been slated to be taken up by Sentencing Commission
 - **New mandatory hearing** for 16, 17, and 18 Y/Os for certain alleged conduct:
 - ✓ “The Family Division shall hold a hearing to determine whether jurisdiction should be transferred to the Criminal Division if the delinquent act set forth in the petition is (I) a felony violation of 18 V.S.A. chapter 84 for selling or trafficking a regulated drug; (II) human trafficking or aggravated human trafficking in violation of 13 V.S.A. § 2652 or 2653; (III) defacing a firearm’s serial number in violation of 13 V.S.A. § 4024; or (IV) straw purchasing of firearm in violation of 13 V.S.A. § 4025.
 - ✓ The transfer-consideration hearing “**shall occur without delay and as soon as practicable...**”
 - ✓ And the parties may stipulate to convert to a youthful offender proceeding.

(ACT 23) (S.4)
(CONT.)

❑ **Sec. 3 amends 18 V.S.A. § 4252: "KNOWINGLY PERMITTING SALE OF REGULATED DRUGS IN A DWELLING"**

- Removes “dispensing” but increases the financial penalty to \$15,000 and provides that it shall not be a violation if the landlord takes action to address the unlawful activity.
- (AMENDED EXISTING CHARGE CODE)

❑ **Sec. 4 creates 13 V.S.A. chapter 60, subchapter 1, § 2659: "KNOWINGLY PERMITTING HUMAN TRAFFICKING IN A DWELLING"**

- New crime provides that no person shall knowingly permit a dwelling, building, or structure owned by or under the control of the person to be used for the purpose of human trafficking or aggravated human trafficking. The penalty is not more than two years or fined not more than \$15,000.00, or both and it shall not be a violation of this section if the person who owns or controls the dwelling, building, or structure takes action to address the unlawful activity.
- (NEW CHARGE CODE ADDED).

(ACT 23) (S.4)
(CONT.)

❑ **Sec. 5 creates 13 V.S.A. § 4024: “DEFACING OF FIREARM’S SERIAL NUMBER”**

- ❑ New crime provides that a person shall not knowingly possess a firearm that has had the importer’s or manufacturer’s serial number removed, obliterated, or altered and a person who violates this section shall be imprisoned not more than five years or fined not more than \$50,000.00, or both.
- ❑ (NEW CHARGE CODE ADDED).

❑ **Sec. 6 creates 13 V.S.A. § 4025:“STRAW PURCHASING OF FIREARMS”**

- ❑ New crime provides that no person shall purchase a firearm for, on behalf of, or at the request of another person if the purchaser knows or reasonably should know that the other person: (1) is prohibited by state or federal law from possessing a firearm; (2) intends to carry the firearm while committing a felony; or (3) intends to transfer the firearm to another person who: (A) is prohibited by state or federal law from possessing a firearm; or (B) intends to carry the firearm while committing a felony.
- ❑ It will not be a violation if the person purchased the firearm as a result of threats or coercion by another person. A person who violates shall be imprisoned not more than five years or fined not more than \$50,000.00, or both.
- ❑ (NEW CHARGE CODE ADDED).

(ACT 23) (S.4)
(CONT.)

□ **Sec. 7 creates 13 V.S.A. § 4017a: “FUGITIVES FROM JUSTICE; PERSONS SUBJECT TO FINAL RELIEF FROM ABUSE OR STALKING ORDER; PERSONS CHARGED WITH CERTAIN OFFENSES; PROHIBITION ON POSSESSION OF FIREARMS”**

- Provides that a person **shall not possess a firearm** if the person:
 - (1) is a fugitive from justice;
 - (2) is the subject of a final relief from abuse order issued;
 - (3) is the subject of a final order against stalking issued if the order prohibits the person from possessing a firearm; or
 - (4) against whom charges are pending for:
 - ✓ (A) carrying a dangerous weapon while committing a felony;
 - ✓ (B) trafficking a regulated drug; or
 - ✓ (C) human trafficking or aggravated human trafficking
- A person who violates this section shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.
- **(NEW CHARGE CODES HAVE BEEN ADDED).**

(ACT 23) (S.4)
(CONT.)

- **Sec. 8 amends 13 V.S.A. § 4005: “WHILE COMMITTING A FELONY**
“
 - Concerning **bail statute**, carrying a firearm while committing a felony **may be considered a violent act** for the purposes of determining whether a person is eligible **for bail under section 7553a** of this title but an offense that is a felony rather than a misdemeanor solely because of the monetary value of the property involved shall not be considered a violent act under this subsection.
- **Sec. 9** provides that **juvenile records** shall be available to the National Instant Criminal Background Check System in connection with a background check conducted on a person under 22 years of age pursuant to 18 U.S.C. § 922(t)(1)(C) and 34 U.S.C. § 40901(l).
- **Sec. 10 and 11** creates a **Community Violence Prevention Program** and Appropriation to be administered by DOH in consultation and collaboration with the Chief Prevention Officer, DPS, the Director of Violence Prevention, the Executive Director of Racial Equity, and the Council for Equitable Youth Justice. The Program shall work with communities to implement innovative, evidence-based, and evidence-informed programs addressing causes of youth and community violence.
- **Sec. 12, 13, and 14** **requires DCF to file status report on the progress made toward implementing the requirements of raise the age and delays raise the age to go into effect July 1, 2024.**
- **Sec. 15** requires the Vermont **SENTENCING COMMISSION to report on whether to expand the Big 12 further.**

(ACT 45) (H.230) (LINKED HERE) (ALLOWED TO BECOME LAW)

AN ACT RELATING TO SUICIDE PREVENTION AND REDUCTION OF COMMUNITY VIOLENCE. WAS ENACTED WITHOUT SIGNATURE ON JUNE 1, 2023.

- Effective date is July 1, 2023. On June 1, 2023, the Governor allowed H.230 to become law without his signature (Governor's letter is linked here).
- H.230 provides for an expansion of who can petition the court for an extreme risk protection order and is intended to assist in keeping guns out of the hands of those who are at risk of doing harm to themselves or others. The bill provides for new law relating to 'safe storage' and is intended to create an effective approach to ensure guns are not readily accessible to those who shouldn't have them. The bill also provides for a 72-hour waiting period. Three important takeaways:
 - ❑ The bill creates 13 V.S.A. § 4024(a)(1)(A) concerning the negligent storage of firearms and prohibits storing/keeping a firearm within any premises that is under the person's custody or control, and knew or reasonably should have known that a child or prohibited person was likely to gain access to the firearm, and a child or prohibited person did gain access to the firearm and used it in the commission of a crime or displayed it in a threatening manner or was used to cause death or serious bodily injury to any person. (NEW CHARGE CODE ADDED).
 - ❑ The bill creates 13 V.S.A. § 4019a concerning the illegal transfer of firearms and sets forth waiting periods and prohibits transfer of a firearm to another person without waiting until 72 hours between the time period upon which the licensed dealer facilitating the transfer was provided with a unique identification number for the transfer by the National Instant Criminal Background Check System (NICS), or without waiting for seven business days to elapse after the dealer contacted NICS to initiate the background check. (NEW CHARGE CODE ADDED).
 - ❑ 13 V.S.A. § 4053 is amended to provide that a family or household member may file an ERPO petition and that when a family or household member files an ERPO petition that the State's Attorney of the county where the petition was filed shall be substituted as the plaintiff in the action upon the issuance of the *ex parte* order or at least seven days prior to the hearing for a petition and upon substitution the family or household member shall no longer be a party. And that if a family or household member files the petition the standard shall be by clear and convincing evidence (as opposed to if an SA files, *preponderance*).

(ACT 24) (S.36)
(LINKED HERE)
(EFFECTIVE ON PASSAGE)

AN ACT RELATING TO CRIMES AGAINST HEALTH CARE WORKERS AT HOSPITALS AND AGAINST EMERGENCY MEDICAL TREATMENT PROVIDERS.

- ❖ **The law is intended to address violence and crimes against health care workers at hospitals and against emergency medical treatment providers.**
- ❖ **Amends Criminal Rule 3 and slight update to Criminal Threatening (making clear that medical workers are covered).**
- ❖ **Sec. 1 amends Criminal Rule 3(c) of the Vermont Rules of Criminal Procedure relating to “Nonwitnessed Misdemeanor Offenses” and provides that if an officer has probable cause to believe a person has committed or is committing a misdemeanor outside the presence of the officer, the officer may issue a citation to appear before a judicial officer in lieu of arrest. The officer may arrest the person without a warrant if the officer has probable cause to believe:**
 - ❑ **Rule 3(c)(18) The person has committed a misdemeanor that involves an **assault** against: (A) a health care worker in a hospital as those terms are defined in 13 V.S.A. § 1028(d)(3) and 18 V.S.A. § 1902(1); or (B) a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).**
 - ❑ **Rule 3(c)(19) The person has violated 13 V.S.A. § 1702 (**criminal threatening**) against: (A) a health care worker in a hospital as those terms are defined in 13 V.S.A. § 1028(d)(3) and 18 V.S.A. § 1902(1); or (B) a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).**
 - ❑ **Rule 3(c)(20) The person has committed a violation of 13 V.S.A. § 1026(a)(1) (**disorderly conduct** for engaging in fighting or in violent, tumultuous, or threatening behavior) that interfered with the provision of medically necessary health care services: (A) in a hospital as defined in 18 V.S.A. § 1902(1); or (B) by a person providing emergency medical treatment as defined in 24 V.S.A. § 2651(9).**

- ❖ **Sec. 2 *amends*** 13 V.S.A. § 1702 (criminal threatening) to include a new subsection:
 - ❖ (g) A person who violates subsection (a) of this section with the intent to terrify or intimidate a health care worker or an emergency medical personnel member because of the worker's or member's action or inaction taken in the provision of health care services shall be imprisoned not more than two years or fined not more than \$2,000.00, or both. (NEW CHARGE CODE).

(ACT 24) (S.36)
(LINKED HERE)
(CONT.)

(ACT 27) (S.89) (LINKED HERE)
(EFFECTIVE ON PASSAGE)

AN ACT RELATING TO ESTABLISHING A FORENSIC FACILITY.

- ❖ **Sets a date certain of July 1, 2024**, for a forensic facility to be up and running and orders further study.
- ❖ **Sec. 1** sets forth that the State shall establish a forensic facility in the nine-bed wing of the current Vermont Psychiatric Care Hospital by July 1, 2024.
- ❖ **Secs. 2, 3, 4** provide that AHS, DMH & DAIL initiate rulemaking steps and draft regulations and report on staffing and programming plans for the forensic facility; whether additional resources are needed to establish the forensic facility; and an assessment of laws, regulations, rules, and policies governing psychiatric hospitals and therapeutic community residences to ensure that they can coexist in the same building.
- ❖ **Sec. 5** requires DMH & DAIL to submit an annual report concerning data and usage relating to the future facility.
- ❖ **Sec. 6** establishes the **Working Group** on Policies Pertaining to Individuals with Intellectual Disabilities Who Are Criminal-Justice Involved. The Working Group is tasked with assessing whether a forensic level of care is needed for individuals with intellectual disabilities who are charged with a crime of violence against another person, have been determined incompetent to stand trial or adjudicated not guilty by reason of insanity, and are committed to the custody of the Commissioner of DAIL. The Working Group is required to submit a report containing proposed legislation by December 1, 2023.

(ACT 28) (S.91) (LINKED HERE)

AN ACT RELATING TO COMPETENCY TO STAND TRIAL AND INSANITY AS A DEFENSE.

- ❖ Sets forth some changes to practice relating to competency and sanity cases:
 - separates competency and sanity evals (*Comp. is at the time of the hearing or Trial / Insanity is at the time of the offense and is a defense, meaning the defense shall be required to obtain their own Insanity Eval*);
 - more detailed statement of facts will be needed in support of competency evals, including statement by the moving party that they have met with the defendant or personally observed the defendant;
 - requires release of all relevant records to the determination;
 - to acquire a “subsequent” court-ordered eval there must be a showing that there has been a change in circumstances;
 - the court may issue a warrant for the arrest of a defendant who, after receiving notice of an evaluation, fails to appear for the evaluation;
 - good cause showing for in-patient eval;
 - clarifies who bears the burden of proof (the defendant has the burden of proving incompetency by a preponderance of the evidence);
 - provides that a commitment order issued shall not modify or vacate orders concerning conditions of release or bail issued pursuant to chapter 229 and the commitment order shall remain in place unless expressly modified, provided that inpatient treatment shall be permitted if a person who is held without bail is found to be in need of inpatient treatment;
 - and DMH shall set forth a plan for competency restoration.

(ACT 28) (S.91) (LINKED HERE)

❖ Recall from DSA David Gartenstein:

- A person is not competent to participate in legal proceedings if they do not have a factual or rational understanding of the proceedings and therefore cannot assist counsel with their defense. See State v. Bean, 171 Vt. 290 (2000).
- A finding of insanity is proper when, as a result of mental disease or defect, defendant lacks adequate capacity either to appreciate the criminality of their conduct or to conform their conduct to the requirements of law. See 13 V.S.A. § 4801.
- S.91 properly reflects this distinction: Previously sanity evaluation could be ordered by Criminal Division along with competency exam. Under S.91 sanity evaluations will be wholly part of parties' litigation efforts.

(ACT 28) (S.91)
(LINKED HERE)

(CONT. SPECIFICS)

- **Sec. 2** amends 13 V.S.A. § 4814 and provides that an order issued pursuant to this section or Rule 16.1 of the Vermont Rules of Criminal Procedure shall order the release of all relevant records to the examiner, including all juvenile and adult court, mental health, and other health records.
- **Sec. 2** provides that an examination *may* be conducted by a doctoral-level psychologist trained in forensic psychology, but this subsection shall be repealed on July 1, 2024. Meaning that 13 VSA s 4814(d) is revised, temporarily, to allow a competency evaluation to be conducted by psychologist. However, the bill does not revise 4816(e) to expressly allow a psychologist’s report admissible in evidence at the competency hearing. This issue was flagged with Legislative Counsel and the Chair of Judiciary as well as with the Governor’s office, and the Judiciary. Legislative counsel and the Judiciary both seem to agree with the notion, concerning legislative intent, that we could/should make a legislative intent argument in the interim if an issue arises—that being that psychologist means examiner and there’s an absurd result if you read it too literally. In sum, it appears that the legislature overlooked a comprehensive update as to each mention of the term, but it was not done so with purpose, especially given that the ability to allow psychologist-evals set to sunset in 2024.
- **Sec. 2** provides that after an initial competency determination, a court may order subsequent evaluations of a defendant to be performed by the Department of Mental Health only upon a showing of *changed circumstances*. In determining whether to order subsequent evaluations, the court shall consider a treating physician’s clinical evidence, if any, indicating that the defendant’s competency may have changed. This section shall not limit the parties’ abilities to secure their own evaluations voluntarily or under Vermont Rule of Criminal Procedure 16.1.
- **Sec. 2** provides that the court may issue a warrant for the arrest of a defendant who, after receiving notice of an evaluation ordered under this section, fails to appear for the evaluation.
- **Sec. 3** amends 13 V.S.A. § 4815 and provides that a motion for an examination shall detail the facts indicating incompetency on which the motion is based and shall certify that the motion is made after the moving party has met with or personally observed the defendant.
- **Sec. 6** amends 13 V.S.A. § 4820 and provides that a commitment order issued pursuant to this chapter shall not modify or vacate orders concerning conditions of release or bail issued pursuant to chapter 229 of this title, and the commitment order shall remain in place unless expressly modified, provided that inpatient treatment shall be permitted if a person who is held without bail is found to be in need of inpatient treatment under this chapter.
- **Sec. 7** sets forth a competency restoration program plan to be submitted by DMH and DAIL by November 15, 2023.
- **Sec. 9** requires DMH and DAIL to submit a report on cumulative competency evaluations by December 15, 2023.

(ACT 46) (S.33) (LINKED HERE)

AN ACT RELATING TO MISCELLANEOUS JUDICIARY PROCEDURES (*EFFECTIVE ON PASSAGE*).

- **S.33 is the misc. judiciary bill** and amends the State’s ability to appeal YO cases, changes to notarization requirements, interlock access for those who plead to a NEG OP in a case that was previously a DUI, and some policy changes in juvenile practice and changes concerning fines, amongst other changes.

- **Sec. 4 (“DECLARATIONS”)** provides that 4 V.S.A. § 27b is amended to read any document that would otherwise require the approval or verification of a notary may be filed with a declaration, with the following language inserted above the signature and date: “I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I will be subject to the penalty of perjury or to other sanctions in the discretion of the court.” A document filed pursuant to this change shall not require the approval or verification of a notary.
 - ❑ However, this bill shall not apply to an affidavit in support of a search warrant application, an application for a nontestimonial identification order, an oath required by 14 V.S.A. §108, or consents and relinquishments in adoption proceedings governed by Title 15A. Meaning, the declaration in lieu of notarization applies to all filings except the ones specifically carved out in the statute. Judiciary is working on a project to modify all of the applicable forms to change over from notary requirements to declarations. This project work will not impact the filer’s ability to use the declaration language until the public forms are updated.

- **Sec. 11** provides that 13 V.S.A. § 3016(c) is amended to read that a person who commits an act punishable under ~~33 V.S.A. § 2581(a)~~ [33 V.S.A. § 141\(a\) or \(b\)](#) may not be prosecuted under this section. Sec. 11 precludes prosecution under 13 V.S.A. § 3016 (false claims) for offenses relating to false statements, misrepresentation, impersonation, or alteration/forgery or unauthorized use of benefit cards relating to State aid or benefit programs, or Federal aid or benefit, to include Supplemental Nutrition Assistance Program (SNAP) benefits.

(ACT 46) (S.33) (LINKED HERE) (CONT.)

- **Sec. 12 (RIGHT TO APPEAL YO CASES)** Relates to appeals and provides that 13 V.S.A. § 7403 is amended to read that: “(f) For purposes of this section, ‘prosecution for a misdemeanor’ and ‘prosecution for a felony’ shall include youthful offender proceedings filed pursuant to 33 V.S.A. chapter 52A, and the State shall have the same right of appeal in those proceedings as it has in criminal proceedings under this section.” Meaning, the State shall have the right to appeal YO matters.
- **Sec. 17 (RECORDS)** relates to 33 V.S.A. § 5117 and relates to records of juvenile judicial proceedings and expands the list of persons entitled to access juvenile and youthful offender case records without a specific court order authorizing disclosure, including the Office of the Child, Youth, and Family Advocate (to perform its oversight function over DCF and the child welfare system), the National Instant Criminal Background Check System, and, perhaps most importantly in day-to-day practice, service providers working with a party to the case as part of that party’s litigation team, the case plan adopted by the court, or a diversion agreement. All these newly authorized persons are still forbidden from redisclosing information from the juvenile case to others.
- **Sec. 18 (PROHIBITION ON USE OF INFORMATION)** amends 33 V.S.A. § 5225 and relates juvenile proceedings and the preliminary hearing and risk assessment and provides that information related to the present alleged offense directly or indirectly derived from the risk and needs screening or from other conversations with the Department or community-based provider shall not be used against the youth in the youth’s case for any purpose, including impeachment or cross-examination, provided that the fact of the youth’s participation in risk and needs screening may be used in subsequent proceedings.
- **Sec. 19 (YO Referrals to Community-Based Prog.)** amends 33 V.S.A. § 5284 concerning YO and is intended to align with current options for Juvenile Delinquencies and provides that prior to the approval of a disposition case plan, the court may refer a child directly to a youth-appropriate community-based provider that has been approved by the department and which may include a **community justice center or a balanced and restorative justice program**. Referral to a community-based provider pursuant to this subdivision shall not require the court to place the child on probation. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child shall return to the court for further proceedings, including the imposition of the disposition order.
- **Sec. 20** creates Chapter 76A and places the Domestic Terrorism crime that was in 13 V.S.A. § 1703 in the newly created Chapter.

(ACT 46) (S.33) (LINKED HERE) (CONT.)
(INTERLOCK)

Sec. 23 amends 23 V.S.A. § 1213 concerning ignition interlock restricted driver's licenses to provide that those who have been charged with a violation of 1201 (DUI) but where the charge was amended to 1091 (NEG OP) as a matter of a plea agreement to provide that the person may acquire an interlock so that they are similarly situated to those who have pleaded guilty to the DUI under 1201.

- ❖ One issue is that the parties must make sure that the record of the originally charged DUI is not expunged or removed otherwise the person may not have access to the interlock benefit and the ability to drive as if they had been charged with a DUI.
- ❖ **Parties must ensure that the record of the DUI is maintained and not expunged so that the defendant may enjoy the benefit of the interlock.**
- ❖ The practice point is that it would be important to acquire a stipulation (or provide that the prior DUI charge is dismissed w/out prej) in the plea agreement so that the original DUI charge is not expunged so that the defendant may take advantage of the interlock benefit. The point is that when someone pleads down to a NEG OP, the original DUI charge, which didn't result in a DUI conviction, may be eligible for expungement per 13 VSA 7603. AND if the DUI charge is expunged, it won't be possible to verify whether the person was originally charged with a DUI and therefore whether the language on page 21 of the bill applies.
- ❖ Suggest putting it on the record, via the plea agreement or other permanent means, that the charge is being amended from DUI to NEG OP and the record of the DUI is not to be expunged or sealed (until the full record is eligible...)

Sec. 23. 23 V.S.A. § 1213 is amended to read:

§ 1213. IGNITION **INTERLOCK** RESTRICTED DRIVER'S LICENSE OR CERTIFICATE; PENALTIES

(a)(1) An individual whose license or privilege to operate is suspended or revoked under this subchapter may operate a motor vehicle, other than a commercial motor vehicle as defined in section 4103 of this title, if issued a valid ignition interlock RDL or ignition interlock certificate. Upon application, the Commissioner shall issue an ignition interlock RDL or ignition interlock certificate to an individual otherwise licensed or eligible to be licensed to operate a motor vehicle if:

(iii) one year for a third or subsequent offense; and

(E) the individual is serving a suspension pursuant to section 2506 if the individual was charged with a violation of subdivision 1201(a) of this title and pled guilty to a reduced charge of negligent operation under section 1091 of this title, notwithstanding any points assessed against the individual's driving record for the negligent operation offense under section 2502 of this title.

- ❖ **Secs. 24 & 25** extends the term of the Vermont Sentencing Commission to July 2025 and that the commission should report on whether any changes should be made to the definitions of stalking under Titles 12 or 13.
- ❖ **Sec. 29** amends 13 V.S.A. § 3259 to provide that law enforcement shall not engage in sexual conduct with those they are detaining, arresting, or otherwise held in custody or with those who law enforcement is investigating or is a victim or confidential informant—but the law shall not apply for law enforcement officers who were engaged in a relationship prior to the person’s involvement as otherwise noted in this section.
- ❖ **Sec. 32** provides that the *Vermont Sentencing Commission* shall identify the conditions that would be required to move toward the *elimination of the use of cash bail* for the purpose of mitigating risk of flight from prosecution and make a recommendation as to whether cash bail should be eliminated in Vermont. If the Commission proposes to eliminate cash bail, it shall provide a proposal that does so.

(ACT 46) (S.33)

(LINKED HERE)

(CONT.)

(OTHER TOPICS)

(ACT 13) (S.3) (LINKED HERE)

AN ACT RELATING TO PROHIBITING PARAMILITARY TRAINING CAMPS. (EFFECTIVE ON PASSAGE).

- ❑ Relates to [prohibiting paramilitary training camps](#). Creates a new crime and defines prohibited conduct related to activities that could occur at paramilitary camps and provides for the filing of a civil injunction.
- ❑ 13 V.S.A. § 4071 makes it a felony to:
 - ✓ **teach, train, or demonstrate** to any other person the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or techniques capable of causing injury or death to persons, **if the person knows or reasonably should know that the teaching, training, or demonstrating is intended to be used in or in furtherance of a civil disorder; or**
 - ✓ **assemble** with one or more other persons for the purpose of practicing or being taught, trained, or instructed in the use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death, or in techniques capable of causing injury or death to persons, if the person **knows or reasonably should know that the practicing, teaching, training, or instruction is intended to be used in or in furtherance of a civil disorder.**
 - ✓ A **civil disorder** is defined in this Act as: “any public disturbance involving acts of violence by an assemblage of two or more persons that causes an immediate danger of or results in damage or injury to the property or person of any other individual.”
- ❑ The penalty for violating the Act is up to five years in prison, up to \$50,000 in fines, or both.
- ❑ 13 V.S.A. § 4073 allows for Civil Enforcement: The Attorney General or State’s Attorneys can bring a civil action to acquire an injunction if there is reason to believe that the person is violating or is about to violate section 4071 and if proceedings would be in the public interest. This provision is beneficial because it will allow officials to halt illicit paramilitary training activity quicker than they can in a criminal investigation in order to provide more immediate protection for the community.

(ACT 11) (H.41) (LINKED HERE)

AN ACT RELATING TO REFERRAL OF DOMESTIC AND SEXUAL VIOLENCE CASES TO COMMUNITY JUSTICE CENTERS.

- ❑ The law provides for future referral for certain DV/SV cases to potentially receive a referral to CJsCs that have MOUs approved by AGO.
- ❑ Legislative Counsel has summarized the bill in the following manner:
 - ❖ This act permits DV/SV cases to “be referred to a community justice center that has a current and executed memorandum of understanding with a local member organization of the Vermont Network Against Domestic and Sexual Violence that follows protocols set forth by the General Assembly and reviewed for compliance by the Community Justice Unit of the Attorney General’s Office.”
 - ❖ Effective Date: May 8, 2023.

(c) On or before July 1, 2024, the Community Justice Unit of the Office of the Attorney General (Community Justice Unit), in consultation with the Vermont Network and the Center for Crime Victim Services, shall create

guidance for memorandums of understanding. Memorandums of understanding shall include protocols that: ...

§ 1968. REFERRALS FOR DOMESTIC VIOLENCE AND SEXUAL VIOLENCE CASES; ATTORNEY GENERAL PROTOCOLS

(a) Notwithstanding section 1967 of this title, community justice centers may accept referrals for domestic violence and sexual violence cases, provided the community justice center has a current and executed memorandum of understanding with a local member organization of the Vermont Network Against Domestic and Sexual Violence (Vermont Network). Such memorandums of understanding shall include protocols set forth in subsection (c) of this section.

(b) If the restorative justice approach set forth in the memorandum of understanding includes law enforcement or prosecutor referrals, a prosecutor and law enforcement agency with jurisdiction shall be party to the memorandum of understanding.

(ACT 11) (H.41) (CONT.)(LINKED HERE)
AN ACT RELATING TO REFERRAL OF DOMESTIC AND SEXUAL
VIOLENCE CASES TO COMMUNITY JUSTICE CENTERS.

12 [REDACTED] This subsection shall not be construed to
13 prohibit the limited disclosure or use of information to specific persons in the
14 following circumstances:

15 (1) Where there is a threat or statement of a plan that a person may
16 reasonably believe is likely to result in death or bodily injury to themselves or
17 others or damage to the property of another person.

18 (2) When disclosure is necessary to report bodily harm any party causes
19 another during the restorative justice programming.

(3) Where there is a reasonable suspicion of abuse or neglect of a child
or vulnerable adult and a report is made in accordance with the provisions of
33 V.S.A. § 4914 or 33 V.S.A. § 6903 or to comply with another law.

(4) Where a court or administrative tribunal determines that the
materials were submitted by a participant to the program for the purpose of
avoiding discovery of the material in a court or administrative proceeding. If a
participant wishes to avail themselves of this provision, the participant may
disclose this information in camera to a judicial officer for the purposes of
seeking such a ruling.

Confidentiality Carve-outs.

(ACT 5) (H.28)

(LINKED HERE)

AN ACT RELATING TO DIVERSION AND EXPUNGEMENT.

- H.28 provides for a technical fix that allows for those who have completed diversion to receive credit towards the two-year expungement clock regardless of the day that the case is dismissed, unless an objection is filed, or restitution has not been paid.

Sec. 1. 3 V.S.A. § 163(e) is amended to read:

(e)(1) Within 30 days after the two-year anniversary of a successful completion of juvenile diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement of all court files and records, law enforcement records other than entries in the juvenile court diversion program's centralized filing system, fingerprints, and photographs applicable to the proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A)–(D) of this subdivision. The court shall give the State's Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:

(A) two years have elapsed since the successful completion of juvenile diversion by the participant and the dismissal of the case by the State's Attorney;

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction;

(C) rehabilitation of the participant has been attained to the satisfaction of the court; and

(D) the participant does not owe restitution related to the case ~~under a contract executed with the Restitution Unit.~~

to the proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A)–(D) of this subdivision.

Sec. 1. 13 V.S.A. § 5304 is amended to read:

§ 5304. ~~VICTIMS ASSISTANCE~~ VICTIM ADVOCATE PROGRAM

(a) ~~The Center for Crime Victim Services~~ Department of State's Attorneys and Sheriffs shall ~~create and maintain a Victims Assistance~~ the Victim Advocate Program. Except as otherwise provided by law, victim advocates shall provide victims the following services:

(3) Services. Victims shall be entitled to:

(A) ~~receive short-term counseling and support from the victim advocate and referrals for further services;~~

(B) ~~assistance~~ information and guidance in obtaining financial assistance and minimizing loss of pay or other benefits resulting from involvement in the criminal justice process;

(C) ~~assistance~~ information and guidance in documenting and preparing requests for restitution and insurance reimbursement;

(D) assistance in obtaining protection through local law enforcement agencies from harm and threats of harm arising out of their cooperation with the court system;

(E) assistance in the return of property from law enforcement agencies; and

(F) assistance and support in dealing with law enforcement agencies and

~~(G) transportation as needed to court proceedings.~~

(b) A victim may decline any service provided by the ~~Victims Assistance~~ Victim Advocate Program under this section.

(ACT 9) (H.35) (LINKED HERE)
AN ACT RELATING TO THE VICTIMS ASSISTANCE PROGRAM.

- H.35 is an act relating to the Victims Assistance Program run by the Department of State's Attorneys and Sheriffs. Provides for technical update concerning the victim advocate program to align with practice and current structure.

Victim advocates shall provide services in accordance with job descriptions established and maintained by the Department of State's Attorneys and Sheriffs.

(ACT 31) (S.48) (LINKED HERE)

**AN ACT RELATING TO REGULATING THE SALE OF CATALYTIC CONVERTERS.
(FYI)**

- S.48 is an act relating to regulating the sale of catalytic converters. Signed by the Governor on May 31, 2023. (Effective date, July 1, 2023).
- Provides that scrap metal processors may no longer purchase more than one used / detached catalytic converter per day from any person except when purchasing from a motor vehicle recycler or motor vehicle repair shop and no person shall transport two or more used and detached catalytic converters at once *unless*:
 - (1) each converter is engraved or permanently marked with the VIN of the vehicle from which the catalytic converter was removed and
 - (2) the person has documentation demonstrating lawful ownership. S.48 imposes two penalties for noncompliance.
- The first violation will receive a civil penalty not to exceed \$1,000 for each transaction. Subsequent violations will receive a civil penalty not to exceed \$25,000 for each transaction.
- The Department of Public Safety will manage and make available ownership affidavits for record-keeping which persons may use to comply with the new requirements for buying, selling, transporting, and keeping records of scrap metals.
- The Department of Public Safety and the Agency of Natural Resources will coordinate and implement a public outreach campaign to educate sellers and processors of scrap metal.

(ACT 40) (S.14) (LINKED HERE)

AN ACT RELATING TO A REPORT ON CRIMINAL JUSTICE-RELATED INVESTMENTS AND TRENDS.

- Requires multiple reports and requires all state agencies and departments comply with requests for data as described in the bill—SAS is an entity that is to be “consulting” with or “in consultation” concerning S.14’s multiple reports. The bill provides that it is the intent of the General Assembly that the report on Vermont’s criminal justice investments and trends required under this section assist in the systemic assessment of the State’s Justice Reinvestment and justice reform efforts and initiatives to inform future legislative policy and fiscal decisions.
- The goal is to start organizing data and paint a clearer picture of the impacts of justice reinvestment in order to help us determine where to go next.
- **Legislative Intent:** The report required in section 1 should assist in the systemic assessment of the State’s Justice Reinvestment and justice reform efforts and initiatives to inform future legislative policy and fiscal decisions.
- **Criminal Justice Investment and Trends Report Requirements:** The Statistical Analysis Center (CRG) will compile data showing: recidivism rates, clearance rates, evidence of desistance, returns to incarceration from community supervision, bail rates, pretrial detainee data, funding for, and utilization of, substance abuse, mental health, educational, and vocational initiatives for incarcerated individuals, funding for, and utilization by, individuals served through Justice Reinvestment and related initiatives including: domestic violence intervention programming, offender transitional housing, restorative justice programs, general fund expenditures for justice reinvestment initiatives, and the average cost per bed of the Department of Corrections’ out-of-state beds contract in fiscal year 2019 and for each fiscal year thereafter.
- Reporting process is intended to review: Justice reform/reinvestment initiatives; Availability and Collectability of data to include in the report; Meaning of Desistance; Data sharing agreements; Review of data analysis; Review of draft report
- Data Sharing: Data for this project will come from multiple sources. Administrative data will be primarily collected from Corrections, Judiciary, Labor, community justice centers, and domestic violence programs. All State and local agencies and departments that possess the data necessary to compile the report are required to provide the SAC with any data it deems relevant to the report.
- Due Date: November 15, 2024; November 15, 2027.

(ACT 29) (S.138)
(LINKED HERE)

**AN ACT RELATING
TO SCHOOL SAFETY.**

- Secs. 1–5 of this act add several requirements to 16 V.S.A. chapter 33 (Fire and Emergency Preparedness Drills and Safety Patrols) regarding emergency preparedness and operations plans and drills, visitor policies, and behavioral threat assessment teams.
- Sec. 1 of this act amends 16 V.S.A. § 1481, requiring all school districts that operate a school and all independent schools to adopt and maintain a policy mandating each school site to conduct options-based response drills twice a school year, relying on guidance issued by the Vermont School Safety Center and Vermont School Crisis Planning Team.
- Sec. 2 requires each supervisory union or district and each independent school to adopt and maintain an all-hazards emergency operations plan for each school site that is at least as comprehensive as the template maintained by the Vermont School Safety Center.
- Sec. 3 requires each supervisory union board, supervisory district board, school district board, and independent school to adopt an access control and visitor management policy.
- Sec. 4, 5 requires the Secretary of Education, in consultation with stakeholder groups, to develop a model behavioral threat assessment team policy and procedures. The Vermont School Safety Center is required to issue guidance on best practices of behavioral threat assessment teams. Each school district and each independent school is then required to develop, adopt, and ensure implementation of a behavioral threat assessment policy and procedures at least as comprehensive as the model policy and procedures published by the Secretary by July 1, 2025, subject to the implementation requirements in Sec. 5. Behavioral threat assessment teams are required to receive training at least annually and data related to the teams is required to be reported to the Agency of Education annually.
- Sec. 5a creates the Working Group on Student Protections from Harassment and Discrimination in Schools to study and give recommendations for how to address harassment and discrimination experienced by students in schools. The Working Group is required to issue a report with its findings and recommendations on or before December 1, 2023. Effective Date: Multiple effective dates, beginning on July 1, 2023.

(ACT 22) (H.222) (LINKED HERE)

AN ACT RELATING TO REDUCING OVERDOSES.

- The bill has been deemed [2023's overdose prevention and harm reduction bill](#). Includes the repeal of the sunset to the buprenorphine exemption, the expansion of drug-checking, and use and derivative immunity related to approved and defined drug-checking activity, amongst other provisions.
 - ❑ Effective Dates: This act shall take effect on passage, except that Sec. 7 (medication for opioid use disorder) shall take effect on September 1, 2023, and Sec. 8b (rulemaking; prior authorization; buprenorphine) shall take effect on January 1, 2024.
- **Sec. 12** of the bill is most pertinent:
 - ❑ **The results of a test carried out by an approved drug-checking service provider shall not be admissible** as evidence in any criminal or civil proceeding.
 - ❑ **It shall not be unlawful** for an “**approved drug-checking service provider**” to **receive, possess, transport**, or store samples of a substance **that may contain a regulated drug solely for purposes** of analyzing the substance to determine its chemical composition and disseminate information regarding the analysis to the provider of the substance.
 - ❑ That **approved drug-checking service providers shall be permitted to**: collect voluntarily provided residual samples of substances potentially containing regulated drugs; possess, transport, or store samples of a regulated drug solely for purposes of analyzing the substances to determine its chemical composition as a lifesaving intervention; use any available technologies to analyze the contents of samples to obtain timely, highly accurate information regarding the composition of drugs to prevent overdose and mitigate health risks; provide results of analysis obtained from drug-checking technology to the person requesting drug services; disseminate data containing only the results of analysis and containing no personally identifiable information to community members at risk of overdose; and if necessary, arrange for a sample of a drug or substance to be tested by an approved laboratory.

(ACT 22) (H.222)
(LINKED HERE)

SPECIFICS CONT.

- **Sec. 12 Cont.:**

- An employee, contractor, volunteer, or other person acting in the good faith **provision of drug-checking services and, acting in accordance with established protocols shall not be subject to arrest, charge, or prosecution** for a violation pursuant to this chapter...
- An individual **possessing** a regulated substance and who provides any portion of the substance to an approved drug-checking service provider pursuant to this section for purposes of obtaining drug-checking services shall **not be subject to arrest, charge, or prosecution** for possession of a regulated substance pursuant to this chapter or civil or administrative penalty or disciplinary action by a professional licensing board for a violation of this chapter based on the individual's use or attempted use of drug-checking services in accordance with this section.
- The immunity provisions **shall apply only to the use and derivative use of** evidence gained as a proximate result of an individual seeking drug-checking services and **shall not preclude prosecution of the individual on the basis of evidence obtained from an independent source.**
- Local governments shall not collect, maintain, use, or disclose any personal information relating to an individual from whom local government receives any drug or substance for checking or disposal. The result of a test carried out by an approved drug-checking service provider shall not be admissible as evidence in any criminal or civil proceeding.

(ACT NO. 19) (H.53) (LINKED HERE)

AN ACT RELATING TO DRIVER'S LICENSE SUSPENSIONS AND ELIMINATES THE SUSPENSION OF A DRIVER'S LICENSE BASED SOLELY ON THE NON-PAYMENT OF CIVIL PENALTIES.

- Effective Date: Multiple effective dates, beginning on June 24, 2023.
- Legislative Staff Summary: **This act eliminates the suspension of driver's licenses or privileges to operate (collectively "driver's license") exclusively for the nonpayment of a traffic violation for which points are assessed (known as a moving violation) but does not eliminate any of the other instances where a driver's license can be suspended.**
- H.53 eliminates license suspensions for the non-payment of civil traffic violations fines.
 - The result of this bill is that the Commissioner of the DMV and Judicial Bureau can no longer suspend drivers' licenses or privileges for non-payment of fines for civil traffic violations.
 - Driver's licenses can still be suspended for criminal violations, accumulating too many points, and for DUI civil violations.
 - The bill does not restore licenses that have been previously suspended.
 - H.53 is silent as to whether licenses that have been previously suspended for non-payment of civil traffic violations will be reinstated, so it would follow that the legislature did not intend to reinstate currently suspended licenses for civil traffic violations.
 - The State or municipality may only be a party to the civil contempt hearing when the hearing officer grants permission, and the defendant may only be represented by counsel at the defendant's expense. To find a defendant in civil contempt, the hearing officer must provide a written factual basis that; (1) the defendant knew or reasonably should have known they owed an amount due to the judicial bureau, (2) the defendant had the ability to pay all or any portion of the amount due, and (3) the defendant failed to pay. If the defendant is found to be in contempt, the hearing officer may; (1) set a date for payment, (2) assess an additional penalty not exceeding 10% of the amount due, (3) recommend the Criminal Division of the Superior Court incarcerate the defendant until the amount due is paid.
 - In sum: The Commissioner of Motor Vehicles may not suspend any driver's license or privileges to operate that are not already suspended as of the effective date for the nonpayment of a civil penalty for a traffic violation committed prior to the effective date of the bill. Except for the two sections amending the fees for filing marriage licenses, all sections of the bill take effect 30 days after passage.

(ACT 14) (H.89) (LINKED HERE)

AN ACT RELATING TO CIVIL AND CRIMINAL PROCEDURES CONCERNING
LEGALLY PROTECTED HEALTH CARE ACTIVITY.

- H.89 mostly provides for added protections for those seeking legally protected health care activity and [has been referred to as a “shield” bill](#).
- This bill had originally contemplated creation of a new misdemeanor, however the legislature removed the new crime. It now includes a civil fine/ticket penalty rather than criminal liability.
- This bill mostly relates to the work of the AGO but does have some impact on extradition.
- H.89 protects Vermont health care providers from being forced to cooperate with out-of-state investigators, should they seek to prosecute a patient who traveled to Vermont to obtain care from a state where abortion or gender-affirming care is outlawed.
- “Lawmakers were clear from the start: Vermont can only shield providers and patients so long as they remain in state lines. But H.89 does offer out-of-state patients some level of protection, by essentially kneecapping any investigations.” (Digger).

Sec. 6. 13 V.S.A. § 4970 is added to read:

§ 4970. LEGALLY PROTECTED HEALTH CARE ACTIVITY

EXCEPTION

Notwithstanding any other provision in this chapter to the contrary, except as required by federal law, the Governor shall not surrender a person charged in another state as a result of engaging in legally protected health care activity as defined in 1 V.S.A. § 150 unless the executive authority of the demanding state alleges in writing that the accused was physically present in the

demanding state at the time of the commission of the alleged offense and that thereafter the accused fled from the demanding state.

(a) Access to reproductive health care services and gender-affirming health care services is a legal right in this State. Interference with legally protected health care activity, whether or not under the color of law, is against the public policy of this State.

(b) Notwithstanding any other provision in this chapter to the contrary, except as required by federal law, a court shall not issue a summons where a prosecution is pending in another state concerning legally protected health care activity as defined in 1 V.S.A. § 150 or where a grand jury investigation concerning legally protected health care activity has commenced or is about to commence for a criminal violation of a law of such other state unless the acts forming the basis of the prosecution or investigation would also constitute an offense if occurring entirely in this State.

**SNAPSHOT: BILLS
PASSED BUT VETOED
OR NOT YET SIGNED
OR THOSE LIKELY TO
COME BACK**

S.6

(VETOED) (see pg. 3 of PDF)

An act relating to law enforcement interrogation policies.

The bill was vetoed by the Governor ([Governor's Veto Letter is Linked Here](#)). This bill was vetoed but may come back next session or during the veto session. CCVS, CACs, DPS, AGO, VACOP, and SIUs have opposed the version as passed. (1) The bill aimed to prohibit law enforcement's use of threats, physical harm, and deception during custodial interrogations of persons under 22 years of age; and (2) Mandated that the Vermont Criminal Justice Council develop, adopt, and enforce a statewide model interrogation policy. The bill created a new standard and test for suppression hearings.

H.127 (Not yet signed by Governor)

An act relating to sports wagering. With legalization, the bill would also provide for crimes and penalties associated with violations.

H.482 (Not Yet Transmitted to Governor)

An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training. Bill provides for competency rather than hours for some VCJC training as well as pathways to Alt-Paths to Cert.

H.476 (Not yet signed by Governor)

An act relating to miscellaneous changes to law enforcement officer training laws. Updates to DV training by VCJC as well as sanctions for LEOs concerning DV / SV conduct.

H.40 (Did not pass the Senate)

An act relating to nonconsensual removal of or tampering with a condom.

S.6 (Cont.) (Vetoed)

(VETOED) / (Governor's Veto Letter is Linked Here).

(1) prohibiting law enforcement's use of threats, physical harm, and deception during custodial interrogations of persons under 22 years of age; and

(2) mandating that the Vermont Criminal Justice Council develop, adopt, and enforce a statewide model interrogation policy that applies to all Vermont law enforcement agencies and constables exercising law enforcement authority pursuant to 24 V.S.A. § 1936.

(2) "Deception" includes the knowing communication of false facts about evidence, the knowing misrepresentation of the accuracy of the facts, the knowing misrepresentation of the law, or the knowing communication of unauthorized statements regarding leniency.

S.6 (Cont.) (Vetoed)

§ 5587. JUVENILES

(a) During a custodial interrogation of a person under 22 years of age relating to the commission of a criminal offense or delinquent act, a law enforcement officer or government agent shall not employ threats, physical harm, or deception.

(b)(1) Any admission, confession, or statement, whether written or oral, made by a person under 22 years of age and obtained in violation of subsection (a) of this section shall be presumed to be involuntary and inadmissible in any proceeding.

(2) The presumption that any such admission, confession, or statement is involuntary and inadmissible may be overcome if the State proves by clear and convincing evidence that the admission, confession, or statement was:

(A) voluntary and not induced by a law enforcement officer's or government agent's use of threats, physical harm, or deception prohibited by subsection (a) of this section; and

(B) any actions of a law enforcement officer or government agent in violation of subsection (a) of this section did not undermine the reliability of the person's admission, confession, or statement and did not create a substantial risk that the person might falsely incriminate themselves.

FINAL NOTES: SUMMER, WINTER, FALL STUDY WORK & NEXT SESSION

- ❖ **(RDAP)** Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel (ONGOING and REPORTING REQUIREMENT).
- ❖ **VT Sentencing Commission:**
 - ❖ (BAIL REPORT) (S.33);
 - ❖ (BIG 12 REPORT) (S.4);
 - ❖ (PERSONAL USE STUDY) (Ongoing).
- ❖ **Violence Prevention Taskforce.**
- ❖ **Domestic Violence Working Group.**
- ❖ **Vermont Network CSG Domestic Violence Executive Working Group.**
- ❖ **Judiciary Commission on Mental Health and the Courts** (*CJ, Reiber ordered CMHAC to work on a variety of topics, SAS is appointed member*).
 - ❖ Commission Report and Annual Summit in September (Vermont Supreme Court)
 - ❖ Pre-Charge Diversion Subcommittee (Chaired by Judge Carlson)
 - ❖ Post-charge Pre-trial Services Committee (Chaired by Judge Hayes)
- ❖ **Joint Legislative Justice Oversight Committee.**
- ❖ Consultation with **Crime Research Group** on JRI and S.14 Data and Information Collection.
- ❖ **H.41** Consultation Project with AGO Concerning Best Practices and MOU Oversight.
- ❖ **S.14** (Sheriffs Study).
- ❖ **ONGOING REQUESTS BY LEGISLATURE FOR INFORMATION.**
- ❖ **FINAL NOTES:** Educate, Demystify and Explain the Day-to-Day Work of a SAS Prosecutor, VAs, and Admins, in Practice.