

1 THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 858
3 entitled “An act relating to miscellaneous criminal procedure amendments”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 **Sec. 1. 13 V.S.A. § 2651(6) is amended to read;**

8 **(6) “Human trafficking” means:**

9 *** * ***

10 **(B) “severe form of trafficking” as defined by 21 U.S.C. § 7105**

11 **22 U.S.C. § 7105.**

12 *** * ***

13 Sec. 2. 13 V.S.A. § 5238 is amended to read:

14 § 5238. CO-PAYMENT AND REIMBURSEMENT ORDERS

15 * * *

16 (d) To the extent that the Court finds that the eligible person has income or
17 assets available to enable payment of an immediate co-payment, it shall order
18 such a co-payment to cover in whole or in part the amount of the costs of
19 representation to be borne by the eligible person. ~~When a co-payment is~~
20 ~~ordered, the assignment of counsel shall be contingent on prior payment of the~~
21 ~~co-payment.~~ The co-payment shall be paid to the clerk of the Court. Any

1 portion of the co-payment not paid to the clerk may be included in a
2 reimbursement order.

3 * * *

4 Sec. 2a. 13 V.S.A. § 7606 is amended to read:

5 § 7606. EFFECT OF EXPUNGEMENT

6 (a) Upon entry of an expungement order, the order shall be legally effective
7 immediately and the person whose record is expunged shall be treated in all
8 respects as if he or she had never been arrested, convicted, or sentenced for the
9 offense. The Court shall issue the person a certificate stating that such person's
10 behavior after the conviction has warranted the issuance of the order and that
11 its effect is to annul the record of arrest, conviction, and sentence. The Court
12 shall provide notice of the expungement to the respondent, Vermont Crime
13 Information Center (VCIC), the arresting agency, and any other entity that may
14 have a record related to the order to expunge. The VCIC shall provide notice of
15 the expungement to the Federal Bureau of Investigation's National Crime
16 Information Center.

17 * * *

18 Sec. 2b. 13 V.S.A. § 7607 is amended to read:

19 § 7607. EFFECT OF SEALING

20 (a) Upon entry of an order to seal, the order shall be legally effective
21 immediately and the person whose record is sealed shall be treated in all

1 respects as if he or she had never been arrested, convicted, or sentenced for the
2 offense. The Court shall issue the person a certificate stating that such person's
3 behavior after the conviction has warranted the issuance of the order and that
4 its effect is to annul the record of arrest, conviction, and sentence. The Court
5 shall provide notice of the sealing to the respondent, Vermont Crime
6 Information Center (VCIC), the arresting agency, and any other entity that may
7 have a record related to the order to seal. The VCIC shall provide notice of the
8 sealing to the Federal Bureau of Investigation's National Crime Information
9 Center.

10 * * *

11 Sec. 3. 13 V.S.A. § 5301 is amended to read:

12 § 5301. DEFINITIONS

13 As used in this chapter:

14 * * *

15 (7) ~~For the purpose of this chapter, “listed~~ “Listed crime” means any of
16 the following offenses:

17 * * *

18 (W) operating vehicle under the influence of intoxicating liquor or
19 other substance with either death or serious bodily injury resulting as defined
20 in 23 V.S.A. § 1210~~(e)~~(f) and ~~(f)~~(g);

21 * * *

1 Sec. 4. 13 V.S.A. § 5411a is amended to read:

2 § 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

3 (a) Notwithstanding 20 V.S.A. §§ 2056a-2056e, the Department shall
4 electronically post information on the Internet in accordance with subsection
5 (b) of this section regarding the following sex offenders, upon ~~their~~ the
6 offender's release from confinement or, if the offender was not subject to
7 confinement, upon the offender's conviction:

8 * * *

9 Sec. 5. 13 V.S.A. § 5572(a) is amended to read:

10 (a) A person convicted and imprisoned for a crime of which the person was
11 exonerated pursuant to ~~subchapter 1 of~~ this chapter shall have a cause of action
12 for damages against the ~~state~~ State.

13 Sec. 6. 13 V.S.A. § 5578 is added to read:

14 § 5578. APPLICABILITY; RETROACTIVITY

15 Notwithstanding 1 V.S.A. § 214(b), this subchapter and any amendments
16 thereto shall apply to any exoneration that occurs on or after July 1, 2007.

17 Sec. 7. 18 V.S.A. § 4230 is amended to read:

18 § 4230. MARIJUANA

19 (a) Possession and cultivation.

20 * * *

1 (2) when the name of an offender who has committed a qualifying
2 offense is posted on the Internet Sex Offender Registry if the offender was in
3 Department of Corrections custody on nonincarcerative status.
4 Secs. XX-XX.

5 S.241 (MARIJUANA LEGALIZATION) ADDED

6 Sec. 9. EFFECTIVE DATE

7 This act shall take effect on passage.

8

9

10

11 (Committee vote: _____)

12

13

Senator _____

14

FOR THE COMMITTEE