

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 234  
3 entitled “An act relating to miscellaneous judiciary procedures” respectfully  
4 reports that it has considered the same and recommends that the bill be  
5 amended by striking out all after the enacting clause and inserting in lieu  
6 thereof the following:

7 **Sec. 1. 3 V.S.A. § 163 is amended to read:**

8 § 163. JUVENILE COURT DIVERSION PROJECT

9 \* \* \*

10 (i) Notwithstanding subdivision (c)(1) of this section, the diversion program  
11 may accept cases from the Youth Substance **Abuse Awareness** Safety Program  
12 pursuant to 7 V.S.A. § 656 or 18 V.S.A. § 4230b. The confidentiality  
13 provisions of this section shall become effective when a notice of violation is  
14 issued under 7 V.S.A. § 656(b) or 18 V.S.A. § 4230b(b), and shall remain in  
15 effect unless the person fails to register with or complete the Youth Substance  
16 **Abuse Awareness** Safety Program.

17 \* \* \*

18 **Sec. 2. 3 V.S.A. § 164 is amended to read:**

19 § 164. ADULT COURT DIVERSION PROGRAM

20 \* \* \*

1 (l) Notwithstanding subdivision (e)(1) of this section, the diversion program  
2 may accept cases from the Youth Substance Abuse Awareness Safety Program  
3 pursuant to 7 V.S.A. § 656 or 18 V.S.A. § 4230b. The confidentiality  
4 provisions of this section shall become effective when a notice of violation is  
5 issued under 7 V.S.A. § 656(b) or 18 V.S.A. § 4230b(b), and shall remain in  
6 effect unless the person fails to register with or complete the Youth Substance  
7 Abuse Awareness Safety Program.

8 \* \* \*

9 Sec. 3. 18 V.S.A. § 4230a is amended to read:

10 § 4230A. MARIJUANA POSSESSION BY A PERSON 21 YEARS OF AGE  
11 OR OLDER

12 \* \* \*

13 (d) Fifty percent of the civil penalties imposed by the Judicial Bureau for  
14 violations of this section shall be deposited in the Drug Task Force Special  
15 Fund, hereby created to be managed pursuant to 32 V.S.A. chapter 7,  
16 subchapter 5, and available to the Department of Public Safety for the funding  
17 of law enforcement officers on the Drug Task Force, except for a \$12.50  
18 administrative charge for each violation, which shall be deposited in the Court  
19 Technology Special Fund, in accordance with 13 V.S.A. § 7252. The  
20 remaining 50 percent shall be deposited in the Youth Substance Abuse  
21 Awareness Safety Program Special Fund, hereby created to be managed

1 pursuant to 32 V.S.A. chapter 7, subchapter 5, and available to the Court  
2 Diversion Program for funding of the Youth Substance Abuse Awareness  
3 Safety Program as required by section 4230b of this title.

4 \* \* \*

5 Sec. 4. 18 V.S.A. § 4230b is amended to read:

6 § 4230B. MARIJUANA POSSESSION BY A PERSON UNDER 21 YEARS  
7 OF AGE; CIVIL VIOLATION

8 \* \* \*

9 (d) Registration in Youth Substance Abuse Awareness Safety Program.

10 Within 15 days after receiving a notice of violation, the person shall contact  
11 the Diversion Program in the county where the offense occurred and register  
12 for the Youth Substance Abuse Awareness Safety Program. If the person fails  
13 to do so, the Diversion Program shall file the summons and complaint with the  
14 Judicial Bureau for adjudication under 4 V.S.A. chapter 29. The Diversion  
15 Program shall provide a copy of the summons and complaint to the law  
16 enforcement officer who issued the notice of violation and shall provide two  
17 copies to the person charged with the violation.

18 \* \* \*

19 (f)(1) Diversion Program Requirements. Upon being contacted by a person  
20 who has been issued a notice of violation, the Diversion Program shall register  
21 the person in the Youth Substance Abuse Awareness Safety Program. Pursuant

1 to the Youth Substance Abuse Awareness Safety Program, the Diversion  
2 Program shall impose conditions on the person. The conditions imposed shall  
3 include only conditions related to the offense and in every case shall include a  
4 condition requiring satisfactory completion of substance abuse screening using  
5 an evidence-based tool and, if deemed appropriate following the screening,  
6 substance abuse assessment and substance abuse education or substance abuse  
7 counseling, or both. If the screener recommends substance abuse counseling,  
8 the person shall choose a State-certified or State-licensed substance abuse  
9 counselor or substance abuse treatment provider to provide the services.

10 \* \* \*

11 Sec. 5. 18 V.S.A. § 4230f is amended to read:

12 § 4230F. DISPENSING MARIJUANA TO A PERSON UNDER 21 YEARS  
13 OF AGE; CRIMINAL OFFENSE

14 \* \* \*

15 (e)(1) Subsections (a)-(d) of this section shall not apply to a person under 21  
16 years of age who dispenses marijuana to a person under 21 years of age or who  
17 knowingly enables the consumption of marijuana by a person under 21 years  
18 of age.

19 (2) A person who is 18, 19, or 20 years of age who knowingly dispenses  
20 marijuana to a person who is 18, 19, or 20 years of age commits a civil  
21 violation and shall be referred to the Court Diversion Program for the purpose

1 of enrollment in the Youth Substance Abuse Awareness Safety Program in  
2 accordance with the provisions of section 4230b of this title and shall be  
3 subject to the penalties in that section for failure to complete the program  
4 successfully.

5 \* \* \*

6 Sec. 6. 7 V.S.A. § 656 is amended to read:

7 § 656. PERSON UNDER 21 YEARS OF AGE MISREPRESENTING AGE,  
8 PROCURING, POSSESSING, OR CONSUMING ALCOHOLIC  
9 BEVERAGES; CIVIL VIOLATION:

10 (a)(1) Prohibited conduct. A person 16 years of age or older and under  
11 21 years of age shall not:

12 (A) Falsely represent his or her age for the purpose of procuring or  
13 attempting to procure malt or vinous beverages, spirits, or fortified wines from  
14 any licensee, State liquor agency, or other person or persons.

15 (B) Possess malt or vinous beverages, spirits, or fortified wines for  
16 the purpose of consumption by himself or herself or other minors, except in the  
17 regular performance of duties as an employee of a licensee licensed to sell  
18 alcoholic liquor.

19 (C) Consume malt or vinous beverages, spirits, or fortified wines. A  
20 violation of this subdivision may be prosecuted in a jurisdiction where the

1 minor has consumed malt or vinous beverages, spirits, or fortified wines or in a  
2 jurisdiction where the indicators of consumption are observed.

3 (2) Offense. A person ~~under 21 years of age~~ who knowingly violates  
4 subdivision (1) of this subsection commits a civil violation and shall be  
5 referred to the Court Diversion Program for the purpose of enrollment in the  
6 Youth Substance Abuse Awareness Safety Program. A person who fails to  
7 complete the program successfully shall be subject to:

8 (A) a civil penalty of \$300.00 and suspension of the person's  
9 operator's license and privilege to operate a motor vehicle for a period of  
10 30 days, for a first offense; and

11 (B) a civil penalty of not more than \$600.00 and suspension of the  
12 person's operator's license and privilege to operate a motor vehicle for a  
13 period of 90 days, for a second or subsequent offense.

14 (b) Issuance of notice of violation. A law enforcement officer shall issue a  
15 person ~~under 21 years of age~~ who violates this section a notice of violation, in  
16 a form approved by the Court Administrator. The notice of violation shall  
17 require the person to provide his or her name and address and shall explain  
18 procedures under this section, including that:

19 \* \* \*

20

1 Sec. 7. 23 V.S.A. § 203 is amended to read:

2 § 203. COUNTERFEITING, FRAUD, AND MISUSE; PENALTY

3 (a) A person shall not:

4 \* \* \*

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

10 \* \* \*

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

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

19 **Sec. 8. 4 V.S.A. § 1105 is amended to read:**

20 § 1105. ANSWER TO COMPLAINT; DEFAULT

1 (a) A violation shall be charged upon a summons and complaint form  
2 approved and distributed by the Court Administrator. The complaint shall be  
3 signed by the issuing officer or by the State’s Attorney. The original shall be  
4 filed with the Judicial Bureau; a copy shall be retained by the issuing officer or  
5 State’s Attorney and two copies shall be given to the defendant. The Judicial  
6 Bureau may, consistent with rules adopted by the Supreme Court pursuant to  
7 12 V.S.A. § 1, accept electronic signatures on any document, including the  
8 signatures of issuing officers, State’s Attorneys, and notaries public. The  
9 complaint shall include a statement of rights, instructions, notice that a  
10 defendant may ~~admit, not contest, or deny a violation~~ request a hearing or  
11 accept the penalties without a hearing, notice of the fee for failure to answer  
12 within ~~20~~ 21 days, and other notices as the Court Administrator deems  
13 appropriate. The Court Administrator, in consultation with appropriate law  
14 enforcement agencies, may approve a single form for charging all violations,  
15 or may approve two or more forms as necessary to administer the operations of  
16 the Judicial Bureau.

17 (b) A person who is charged with a violation shall have ~~20~~ 21 days from the  
18 date the complaint is issued to ~~admit or deny the allegations or to state that he~~  
19 ~~or she does not contest the allegations in the complaint~~ request a hearing or to  
20 state that her or she will accept the penalties without a hearing. The Judicial  
21 Bureau shall assess against a defendant a fee of \$20.00 for failure to answer a

1 complaint within the time allowed. The fee shall be assessed in the default  
2 judgment and deposited in the Court Technology Special Fund established  
3 pursuant to section 27 of this title.

4 (c) A person who ~~admits or does not contest the allegations~~ accepts the  
5 penalties may so indicate and sign the complaint. The Bureau shall accept the  
6 admission or statement that the allegations are not contested and accept  
7 payment of the waiver penalty.

8 (d) If the person sends in the amount of the waiver penalty without signing  
9 the complaint, the Bureau shall accept the payment indicating that payment  
10 was made and that the allegations were not contested.

11 (e) A person who denies the allegations or who wishes to have a hearing on  
12 the complaint for any other reason may so indicate and sign the complaint.  
13 Upon receipt, the Bureau shall schedule a hearing.

14 \* \* \*

15 Sec. 9. 12 V.S.A. § 2903(d) is amended to read:

16 (d) If a judgment lien is not satisfied within 30 days of recording, it may be  
17 foreclosed and redeemed as provided in this title and V.R.C.P. 80.1. Unless  
18 the court finds that as of the date of foreclosure the amount of the outstanding  
19 debt exceeds the value of the real property being foreclosed, ~~section 4531~~  
20 chapter 172 of this title shall apply to foreclosure of a judgment lien.

1 Sec. 10. 12 V.S.A. § 5812 is amended to read:

2 § 5812. OATH TO BE ADMINISTERED TO ATTORNEYS

3 You solemnly swear that you will do no falsehood, nor consent that any be  
4 done in court, and if you know of any, you will give knowledge thereof to the  
5 judges of the court or some of them, that it may be reformed; that you will not  
6 wittingly, willingly, or knowingly promote, sue, or procure to be sued, any  
7 false or unlawful suit, or give aid or consent to the same; that you will delay no  
8 ~~man~~ person for lucre or malice, but will act in the office of attorney within the  
9 court, according to your best learning and discretion, with all good fidelity as  
10 well to the court as to your client. So help you God.

11 **Sec. 11. 13 V.S.A. § 1029 is amended to read:**

12 § 1029. ALCOHOLISM, LIMITATIONS, EXCEPTIONS

13 (a) No political subdivision of the State may adopt or enforce a law or rule  
14 having the force of law that includes being found in an intoxicated condition as  
15 one of the elements of the offense giving rise to a criminal or civil penalty. No  
16 political subdivision may interpret or apply any law of general application to  
17 circumvent this provision.

18 (b) Nothing in this section affects any law or rule against operating a motor  
19 vehicle or other machinery under the influence of alcohol or possession or use  
20 of alcoholic beverages at stated times and places or by a particular class of  
21 persons.

1 (c) This section does not make intoxication or incapacitation as defined in  
2 ~~18 V.S.A. § 9142~~ 18 V.S.A. § 4802 an excuse or defense for any criminal act.  
3 Nothing contained herein shall change current law relative to insanity as a  
4 defense for any criminal act.

5 (d) This section does not relieve any person from civil liability for any  
6 injury to persons or property caused by that person while intoxicated or  
7 incapacitated.

8 **Sec. 12. 13 V.S.A. § 3256 is amended to read:**

9 § 3256. TESTING FOR INFECTIOUS DISEASES

10 (a)(1)(A) The victim of an offense involving a sexual act may obtain an  
11 order from the Criminal or Family Division of the Superior Court in which the  
12 offender was convicted of the offense, or was adjudicated delinquent, requiring  
13 that the offender be tested for the presence of the etiologic agent for acquired  
14 immune deficiency syndrome (AIDS) and other sexually-transmitted diseases,  
15 including gonorrhea, herpes, chlamydia, and syphilis.

16 (B) The victim of an offense involving a sexual act may, if **the**  
17 **evidence of guilt is great** a judicial officer finds there is probable cause to  
18 believe the offender committed the offense, obtain an order from the Criminal  
19 or Family Division of the Superior Court in which the offender was charged  
20 with the offense requiring that the offender be tested for the presence of  
21 immunodeficiency virus (HIV) within 48 **hours** after the offender was charged.

1           (2) If requested by the victim, the State’s Attorney shall petition the  
2 court on behalf of the victim for an order under this section. For the purposes  
3 of this section, “offender” includes a juvenile adjudicated a delinquent.

4           (b) ~~For purposes of~~ As used in this section, “sexual act” means a criminal  
5 offense:

6           (1) where the underlying conduct of the offender constitutes a sexual act  
7 as defined in section 3251 of this title; and

8           (2) that creates a risk of transmission of the etiologic agent for AIDS to  
9 the victim as determined by the federal Centers for Disease Control and  
10 Prevention.

11           (c) If the court determines pursuant to subdivision (a)(1)(A) of this section  
12 that the offender was convicted or adjudicated of a crime involving a sexual act  
13 with the victim, or that pursuant to subdivision (a)(1)(B) of this section that the  
14 offender was charged with a crime involving a sexual act with the victim and  
15 the evidence of guilt is great there is probable cause to believe the offender  
16 committed the offense, the court shall order the test to be administered by the  
17 Department of Health in accordance with applicable law. If appropriate under  
18 the circumstances, the court may include in its order a requirement for follow-  
19 up testing of the offender. An order for follow-up testing shall be terminated if  
20 the offender’s conviction is overturned. A sample taken pursuant to this  
21 section shall be used solely for purposes of this section. All costs of testing the

1 offender shall, if not otherwise funded, be paid by the Department of Public  
2 Safety.

3 (d) The results of the offender’s test shall be disclosed only to the offender  
4 and the victim.

5 (e) If an offender who is subject to an order pursuant to subsection (c) of  
6 this section refuses to comply with the order, the victim, or State’s Attorney on  
7 behalf of the victim, may seek a civil contempt order pursuant to 12 V.S.A.  
8 chapter 5.

9 (f) After arraignment, a defendant who is charged with an offense  
10 involving a sexual act may offer to be tested for the presence of the etiologic  
11 agent for acquired immune deficiency syndrome (AIDS) and other sexually  
12 transmitted diseases, including gonorrhea, herpes, chlamydia, and syphilis.  
13 Such testing shall follow the same procedures set forth for testing an offender  
14 who is subject to an order pursuant to subsection (c) of this section. The  
15 defendant’s offer to be tested after arraignment shall not be used as evidence at  
16 the defendant’s trial. If the defendant is subsequently convicted of an offense  
17 involving a sexual act, the court may consider the offender’s offer for testing  
18 as a mitigating factor.

19 (g) Upon request of the victim at any time after the commission of a crime  
20 involving a sexual act under subsection (b) of this section, the State shall  
21 provide any of the following services to the victim:

- 1           (1) counseling regarding human immunodeficiency virus (HIV);
- 2           (2) testing, which shall remain confidential unless otherwise provided
- 3 by law, for HIV and other sexually transmitted diseases, including gonorrhea,
- 4 herpes, chlamydia, and syphilis;
- 5           (3) counseling by a medically trained professional on the accuracy of the
- 6 testing, and the risk of transmitting HIV and other sexually transmitted
- 7 diseases to the victim as a result of the crime involving a sexual act; and
- 8           (4) prophylaxis treatment, crisis counseling, and support services.
- 9           (h) A victim who so requests shall receive monthly follow-up HIV testing
- 10 for six months after the initial test.
- 11           (i) The State shall provide funding for HIV or AIDS, or both, and sexual
- 12 assault cross-training between sexual assault programs and HIV and AIDS
- 13 service organizations.
- 14           (j) The record of the court proceedings and test results pursuant to this
- 15 section shall be sealed.
- 16           (k) The Court Administrator’s Office shall develop and distribute forms to
- 17 implement this section in connection with a criminal conviction or adjudication
- 18 of delinquency.
- 19           (l) The Center for Crime Victim Services shall be the primary coordinating
- 20 agent for the services to be provided in subsections (g), (h), and (i) of this
- 21 section.

1 **Sec. 13. 13 V.S.A. § 7554c is amended to read:**

2 § 7554C. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

3 \* \* \*

4 (b)(1) Except as provided in subdivision (2) of this subsection, a person  
5 who is arrested, lodged, and unable to post bail within 24 hours of lodging  
6 shall be offered **a risk assessment and**, if deemed appropriate by the pretrial  
7 services coordinator, a needs screening prior to arraignment.

8 \* \* \*

9 **Sec. 14. 13 V.S.A. § 7602 is amended to read:**

10 § 7602. EXPUNGEMENT AND SEALING OF RECORD,  
11 POSTCONVICTION; PROCEDURE

12 \* \* \*

13 (b)(1) The court shall grant the petition and order that the criminal history  
14 record be expunged pursuant to section 7606 of this title if the following  
15 conditions are met:

16 \* \* \*

17 (C) Any restitution ordered by the court **has and surcharges have** been  
18 paid in full.

19 \* \* \*

1 (c)(1) The court shall grant the petition and order that the criminal history  
2 record be expunged pursuant to section 7606 of this title if the following  
3 conditions are met:

4 \* \* \*

5 (D) Any restitution ordered by the court for any crime of which the  
6 person **has and surcharges have** been convicted has been paid in full.

7 \* \* \*

8 (d) For petitions filed pursuant to subdivision (a)(1)(B) of this section,  
9 unless the court finds that expungement would not be in the interests of justice,  
10 the court shall grant the petition and order that the criminal history record be  
11 expunged in accordance with section 7606 of this title if the following  
12 conditions are met:

13 \* \* \*

14 (2) Any restitution ordered by the court **has and surcharges have** been  
15 paid in full.

16 \* \* \*

17 **Sec. 15. 13 V.S.A. § 7609 is amended to read:**

18 § 7609. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS OF AN  
19 INDIVIDUAL 18-21 YEARS OF AGE

20 (a) Procedure. Except as provided in subsection (b) of this section, the  
21 record of the criminal proceedings for an individual who was 18-21 years of

1 age at the time the individual committed a qualifying crime shall be expunged  
2 within 30 days after the date on which the individual successfully completed  
3 the terms and conditions of the sentence for the conviction of the qualifying  
4 crime, absent a finding of good cause by the court. The court shall issue an  
5 order to expunge all records and files related to the arrest, citation,  
6 investigation, charge, adjudication of guilt, criminal proceedings, and  
7 probation related to the sentence. A copy of the order shall be sent to each  
8 agency, department, or official named in the order. Thereafter, the court, law  
9 enforcement officers, agencies, and departments shall reply to any request for  
10 information that no record exists with respect to such individual.

11 Notwithstanding this subsection, the record shall not be expunged until  
12 restitution **has and surcharges have** been paid in full.

13 \* \* \*

14 **Sec. 16. 14 V.S.A. § 107 is amended to read:**

15 § 107. ALLOWANCE OF WILL; CUSTODY OF PROPERTY

16 (a) If consents are filed by all the heirs at law and surviving spouse, a will  
17 may be allowed without hearing. If consents are not obtained, the court shall  
18 schedule a hearing and notice shall be given as provided by the Rules of  
19 Probate Procedure.

20 (b) Objections to allowance of the will must be filed in writing not less than  
21 seven days prior to the hearing. In the event that no timely objections are filed,

1 ~~the will may be allowed without hearing if it meets criteria set out in section~~  
2 ~~108 of this title~~ the court may:

3 (1) allow the will on the testimony of only one of the subscribing  
4 witnesses if the witness testifies that the will was executed a provided in  
5 chapter 1 of this title; or

6 (2) allow the will without hearing if it meets criteria set out in section  
7 108 of this title.

8 \* \* \*

9 Sec. 17. 14 V.S.A. § 1203 is amended to read:

10 § 1203. LIMITATIONS ON PRESENTATION OF CLAIMS

11 \* \* \*

12 (c) Nothing in this section affects or prevents:

13 (1) any proceeding to enforce any mortgage, pledge, or other lien upon  
14 property of the estate; ~~or~~

15 (2) to the limits of the insurance protection only, any proceeding to  
16 establish liability of the decedent or the executor or administrator for which he  
17 or she is protected by liability insurance; or

18 (3) the enforcement of any tax liability.

19 Sec. 18. 14 V.S.A. § 2643 is amended to read:

20 § 2643. RELEASE BY COURT AND PARENT ON BEHALF OF MINOR

1 (a) The Superior judge of the Superior Court within and for the county  
2 where the minor resides, on behalf of a minor, must approve of and consent to  
3 a release to be executed by a parent in the settlement of any claim that does not  
4 exceed the sum of ~~\$1,500.00~~ \$10,000.00. A release so furnished shall be  
5 binding on the minor and both parents, their heirs, executors, administrators, or  
6 assigns, respectively.

7 (b) Any claim settled for a sum in excess of ~~\$1,500.00~~ \$10,000.00 shall  
8 require the approval of a court-appointed guardian.

9 Sec. 19. 15 V.S.A. § 663 is amended to read:

10 § 663. SUPPORT ORDERS; REQUIRED CONTENTS

11 \* \* \*

12 (c) Every order for child support made or modified under this chapter on or  
13 after July 1, 1990, shall:

14 (1) include an order for immediate wage withholding or, if not subject to  
15 immediate wage withholding, include a statement that wage withholding will  
16 take effect under the expedited procedure set forth in section 782 of this title;

17 (2) require payments to be made to the Registry in the Office of Child  
18 Support unless subject to an exception under 33 V.S.A. § 4103;

19 (3) require that every party to the order must notify the Registry in  
20 writing of their current mailing address and current residence address and of  
21 any change in either address within seven business days of the change, until all

1 obligations to pay support or support arrearages or to provide for visitation are  
2 satisfied;

3 (4) include in bold letters notification of remedies available under  
4 section 798 of this title; and

5 (5) include in bold letters notification that the parent may seek a  
6 modification of his or her support obligation if there has been a showing of a  
7 real, substantial and unanticipated change of circumstances.

8 \* \* \*

9 **Sec. 20. 15 V.S.A. § 664 is amended to read:**

10 § 664. DEFINITIONS

11 As used in this subchapter:

12 (1) “Parental rights and responsibilities” means the rights and  
13 responsibilities related to a child’s physical living arrangements, **parent child**  
14 **contact**, education, medical and dental care, religion, travel and any other  
15 matter involving a child’s welfare and upbringing.

16 \* \* \*

17 **Sec. 21. 18 V.S.A. § 7510 is amended to read:**

18 § 7510. PRELIMINARY HEARING

19 (a) Within five days after a person is admitted to a designated hospital for  
20 emergency examination, he or she may request the **Criminal Division of the**  
21 Superior Court to conduct a preliminary hearing to determine whether there is

1 probable cause to believe that he or she was a person in need of treatment at  
2 the time of his or her admission.

3 \* \* \*

4 **Sec. 22. 24 V.S.A. § 1981 is amended to read:**

5 § 1981. ENFORCEMENT OF ORDER FROM JUDICIAL BUREAU

6 (a) Upon the filing of the complaint and entry of a judgment after  
7 admission, hearing or entry of default by the hearing officer, subject to any  
8 appeal pursuant to 4 V.S.A. § 1107, the person found in violation shall have up  
9 to 30 days to pay the penalty to the Judicial Bureau. Upon the expiration of the  
10 period to pay the penalty, the person found in violation shall be assessed a  
11 surcharge of \$10.00 for the benefit of the municipality. All the civil remedies  
12 for collection of judgments shall be available to enforce the final judgment of  
13 the Judicial Bureau.

14 \* \* \*

15 **Sec. 23. 28 V.S.A. § 1101 is amended to read:**

16 § 1101. POWERS AND RESPONSIBILITIES OF THE COMMISSIONER  
17 REGARDING JUVENILE SERVICES

18 The Commissioner is charged with the following powers and  
19 responsibilities regarding the administration of juvenile services:



1 **Sec. 25. 32 V.S.A. § 1434 is amended to read:**

2 § 1434. PROBATE CASES

3 (a) The following entry fees shall be paid to the Probate Division of the  
4 Superior Court for the benefit of the State, except for subdivisions (18) and  
5 (19) of this subsection, which shall be for the benefit of the county in which  
6 the fee was collected:

7 \* \* \*

8 ~~(28) Petitions for minor settlement pursuant to 14 V.S.A. § 2643 - \$90.00~~

9 **[Repealed.]**

10 \* \* \*

11 **Sec. 26. 33 V.S.A. § 5117 is amended to read:**

12 § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

13 \* \* \*

14 (b)(1) Notwithstanding the foregoing, inspection of such records and files  
15 by the following is not prohibited:

16 \* \* \*

17 (D) court personnel, the State's Attorney or other prosecutor  
18 authorized to prosecute criminal or juvenile cases under State law, the child's  
19 guardian ad litem, the attorneys for the parties, probation officers, and law  
20 enforcement officers who are actively participating in criminal or juvenile  
21 proceedings involving the child;

1 (E) the child who is the subject of the proceeding, the child’s parents,  
2 guardian, **and** custodian, **and guardian ad litem** may inspect such records and  
3 files upon approval of the Family Court judge;

4 \* \* \*

5 **Sec. 27. 33 V.S.A. § 5119 is amended to read:**

6 § 5119. SEALING OF RECORDS

7 \* \* \*

8 **(m) Notwithstanding the provisions of this section, a criminal record may**  
9 **not be sealed if restitution and surcharges are owed.**

10 Sec. 28. SUNSET REPEAL

11 2017 Acts and Resolves No. 61, Sec. 7 (July 1, 2020 sunset of changes to  
12 Court Diversion Program) is repealed.

13 Sec. 29. 2017 Acts and Resolves No. 60, Sec. 3, as amended by 2017 (Adj.  
14 Sess.) Acts and Resolves No. 203, Sec. 1, is amended to read:

15 Sec. 3. REPEAL

16 On July 1, 2021, ~~15 V.S.A. § 752(b)(8)~~ 15 V.S.A. § 752(b)(9) (spousal  
17 support and maintenance guidelines) is repealed.

18 **Sec. 30. REPEAL**

19 **12 V.S.A. Chapter 215 Subchapter 1 (voluntary arbitration for medical**  
20 **malpractice cases) is repealed.**

1 Sec. 31. PERSONS WITH SUSPENDED DRIVER'S LICENSES;

2 REINSTATEMENT FEE HOLIDAY

3 (a) There is established a Reinstatement Fee Holiday Program to permit  
4 persons whose motor vehicle operator's licenses have been suspended to apply  
5 for reinstatement of their licenses without paying a fee. The Program shall  
6 comply with the guidelines set forth in this section.

7 (b) The Program application period shall commence on September 1, 2020  
8 and end on September 30, 2020. The Program shall be available to all persons  
9 who apply for reinstatement during the application period.

10 (c) If a person applies to the Judicial Bureau for reinstatement of a  
11 suspended motor vehicle operator's license during the Program application  
12 period, all fees associated with reinstatement of the person's license shall be  
13 waived. The fees to be waived pursuant to this subsection shall include the  
14 Department of Motor Vehicles reinstatement fee, any fees imposed by the  
15 Judicial Bureau for failure to answer the complaint and failure to pay fees, and  
16 any surcharges imposed by the court.

17 (d) For each unpaid traffic ticket associated with the motor vehicle  
18 operator's license of a person who applies for reinstatement pursuant to this  
19 section, the person shall pay a fine of \$10.00. No other fees or fines shall be  
20 required for reinstatement.

1           (e) The Office of the Attorney General, the Department of Sheriff's and  
2           State's Attorneys, and the Department of Motor Vehicles shall work  
3           cooperatively to notify and educate the public about the availability of the  
4           Program. The public education required by this subsection shall include  
5           encouraging Program applicants to check all DMV records to ensure that the  
6           application covers each ticket associated with the applicant's operator's  
7           license.

8           Sec. 32. EFFECTIVE DATES

9           (a) This act shall take effect on July 1, 2020, except for Sec. 24, which  
10          shall take effect on July 1, ~~2021~~ 2022.

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12          (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE