

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 261
3 entitled “An act relating to eliminating life without parole” respectfully reports
4 that it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

7 Sec. 1. 13 V.S.A. § 2303 is amended to read:

8 § 2303. PENALTIES FOR FIRST AND SECOND DEGREE MURDER

9 (a) Except as provided in subsection (g) of this section:

10 (1) The punishment for murder in the first degree shall be imprisonment
11 for:

12 ~~(A) a minimum term of not less than 35 years and a maximum term~~
13 ~~of life; or~~

14 ~~(B) life without the possibility of parole.~~

15 (2) The punishment for murder in the second degree shall be
16 imprisonment for:

17 ~~(A) a minimum term of not less than 20 years and a maximum term~~
18 ~~of life; or~~

19 ~~(B) life without the possibility of parole.~~

1 (g) Subsections (b)-(f) of this section shall apply only if the murder was
2 committed before ~~the effective date of this act~~ May 1, 2006, and:

3 (1) the defendant was not sentenced before ~~the effective date of this act~~
4 May 1, 2006; or

5 (2) the defendant's sentence was stricken and remanded for resentencing
6 pursuant to the Vermont Supreme Court's decision in State v. Provost, 2005
7 VT 134 (2005).

8 Sec. 2. 13 V.S.A. § 7045 is amended to read:

9 § 7045. LIFE WITHOUT PAROLE SENTENCE ~~PROHIBITED FOR~~
10 ~~PERSONS UNDER 18 YEARS OF AGE~~

11 A court shall not sentence a person to life imprisonment without the
12 possibility of parole if:

13 (1) the person was under 18 years of age at the time of the commission
14 of ~~the~~ any offense; or

15 (2) the person committed any offense other than aggravated murder.

16 **Sec. 3. 28 V.S.A. § 501 is amended to read:**

17 § 501. ELIGIBILITY FOR PAROLE CONSIDERATION

18 (a) An inmate serving any sentence other than life without the possibility of
19 parole shall be eligible for parole consideration upon serving 35 years.

20 (b) An inmate who is serving a sentence of imprisonment shall be eligible
21 for parole consideration as follows:

1 (1) If the inmate’s sentence has no minimum term or a zero minimum
2 term, the inmate shall be eligible for parole consideration within 12 months
3 after commitment to a correctional facility.

4 (2) If the inmate’s sentence has a minimum term, the inmate shall be
5 eligible for parole consideration after the inmate has served the minimum term
6 of the sentence, or after the inmate has served 35 years, whichever occurs first.

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on July 1, 2020.

9 and that after passage the title of the bill be amended to read: “An act
10 relating to limiting the sentence of life without the possibility of parole”

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14 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE