

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 729
3 entitled “An act relating to miscellaneous judiciary procedures” respectfully
4 reports that it has considered the same and recommends that the Senate
5 propose to the House that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 * * * Cross Reference Corrections * * *

8 Sec. 1. 12 V.S.A. § 4853a is amended to read:

9 § 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

10 * * *

11 (c) Any memorandum in opposition filed by the defendant pursuant to ~~Rule~~
12 ~~78(b)~~ Rule (7)(b)(6) of the Vermont Rules of Civil Procedure shall be
13 accompanied by affidavit setting forth particular facts in support of the
14 memorandum.

15 * * *

16 Sec. 2. 12 V.S.A. § 4853b is amended to read:

17 § 4853b. UNLAWFUL OCCUPANT; EXPEDITED HEARING

18 * * *

19 (c) At any time before the hearing, the defendant may oppose the motion
20 pursuant to ~~Rule 78(b)~~ Rule (7)(b)(6) of the Vermont Rules of Civil Procedure
21 by filing an affidavit, a signed written statement, or a memorandum in

1 opposition to the motion. The affidavit, signed written statement, or
2 memorandum shall set forth particular facts to show that a genuine dispute of
3 fact exists in relation to the motion.

4 * * *

5 * * * Notarization of Affidavits in Relief from Abuse Proceedings * * *

6 Sec. 3. 15 V.S.A. § 1104 is amended to read:

7 § 1104. EMERGENCY RELIEF

8 (a) In accordance with the Vermont Rules of Civil Procedure, temporary
9 orders under this chapter may be issued ex parte, without notice to the
10 defendant, upon motion and findings by the court that the defendant has abused
11 the plaintiff or the plaintiff's children, or both. The plaintiff shall submit an
12 affidavit in support of the order, which may be sworn to or affirmed by
13 administration of the oath over the telephone to the applicant by a person an
14 employee of the Judiciary authorized to administer oaths, and shall conclude
15 with the following statement: "I declare under the penalty of perjury pursuant
16 to the laws of the State of Vermont that the foregoing is true and accurate. I
17 understand that the penalty for perjury is imprisonment of not more than 15
18 years or a fine of not more than \$10,000.00, or both making false statements is
19 a crime subject to a term of imprisonment or a fine, or both, as provided by 13
20 V.S.A. § 2904." The authorized person shall note on the affidavit the date and
21 time that the oath was administered. A minor 16 years of age or older, or a

1 minor of any age who is in a dating relationship as defined in subdivision
2 1101(2) of this chapter, may seek relief on ~~his or her~~ the minor's own behalf.

3 Relief under this section shall be limited as follows:

4 * * *

5 Sec. 4. 15 V.S.A. § 1106 is amended to read:

6 § 1106. PROCEDURE

7 * * *

8 (b)(1) The Court Administrator shall establish procedures to ensure access
9 to relief after regular court hours, or on weekends and holidays. The Court
10 Administrator is authorized to contract with public or private agencies to assist
11 plaintiffs to seek relief and to gain access to Superior Courts. Law enforcement
12 agencies shall assist in carrying out the intent of this section.

13 (2)(A) The court shall designate an authorized person to receive requests
14 for ex parte temporary relief from abuse orders submitted after regular court
15 hours pursuant to section 1104 of this title, including requests made by reliable
16 electronic means according to the procedures in this subdivision.

17 * * *

18 (C) The affidavit shall be sworn to or affirmed by administration of
19 the oath over the telephone to the applicant by the authorized person, and shall
20 conclude with the following statement: "I declare under the penalty of perjury
21 pursuant to the laws of the State of Vermont that the foregoing is true and

1 accurate. I understand that ~~the penalty for perjury is imprisonment of not more~~
2 ~~than 15 years or a fine of not more than \$10,000.00, or both~~ making false
3 statements is a crime subject to a term of imprisonment or a fine, or both, as
4 provided by 13 V.S.A. § 2904.” The authorized person shall note on the
5 affidavit the date and time that the oath was administered.

6 * * *

7 Sec. 4a. 33 V.S.A. § 6936 is amended to read:

8 § 6936. EMERGENCY RELIEF; HEARINGS

9 (a) In accordance with the Rules for Family Proceedings, temporary orders
10 under this subchapter may be issued ex parte, without notice to the defendant,
11 upon motion and findings by the court that the defendant has abused,
12 neglected, or exploited the vulnerable adult and that serious and irreparable
13 harm to the physical health or financial interests of the vulnerable adult will
14 result without ex parte relief.

15 * * *

16 (d)(1) The Court Administrator shall establish procedures to ensure access
17 to relief after regular court hours, or on weekends and holidays.

18 (2) The procedures established pursuant to this subsection shall include:

19 (A) designation of an employee of the Judiciary authorized to receive
20 requests for ex parte petitions submitted after regular court hours; and

1 Sec. 5a. 13 V.S.A. § 7607 is amended to read:

2 § 7607. EFFECT OF SEALING

3 (a) Order and notice. Upon entry of an order to seal, the order shall be
4 legally effective immediately and the person whose record is sealed shall be
5 treated in all respects as if ~~he or she~~ the person had never been arrested,
6 convicted, or sentenced for the offense and that its effect is to annul the record
7 of arrest, conviction, and sentence. The court shall provide notice of the
8 sealing to the respondent, Vermont Crime Information Center (VCIC), the
9 arresting agency, the Restitution Unit of the Vermont Center for Crime
10 Victims Services, and any other entity that may have a record related to the
11 order to seal. The VCIC shall provide notice of the sealing to the Federal
12 Bureau of Investigation's National Crime Information Center.

13 * * *

14 (f) Upon request, the Victim's Compensation Program shall be provided
15 with a copy, redacted of all information identifying the offender, of the
16 affidavit for the sole purpose of verifying the expenses in a victim's
17 compensation application submitted pursuant to section 5353 of this title.

18 (g) The sealing of a criminal record shall not affect the authority of the
19 Restitution Unit to enforce a restitution order in the same manner as a civil
20 judgment pursuant to subdivision 5362(c)(2) of this title.

21

1 * * *

2 Sec. 6. 13 V.S.A. § 7611 is added to read:

3 § 7611. UNAUTHORIZED DISCLOSURE

4 A State or municipal employee or contractor or any agent of the court,
5 including an attorney and an employee or contractor of the attorney, who in the
6 course of their official duties knowingly accesses or discloses sealed criminal
7 history record information without authorization shall be assessed a civil
8 penalty of not more than \$1,000.00. Each unauthorized disclosure shall
9 constitute a separate civil violation.

10 Sec. 6a. 4 V.S.A. § 1102 is amended to read:

11 § 1102. JUDICIAL BUREAU; JURISDICTION

12 * * *

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

14 * * *

15 (30) Violations of 13 V.S.A. § 7611, relating to the unauthorized
16 disclosure of sealed criminal history record information.

17 * * *

18 Sec. 7. 32 V.S.A. § 1431 is amended to read:

19 § 1431. FEES IN SUPREME AND SUPERIOR COURTS

20 * * *

1 (e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or
2 Environmental Division of the Superior Court, including motions to reopen
3 civil suspensions or motions to reopen existing cases in the Probate Division of
4 the Superior Court, there shall be paid to the clerk of the court for the benefit
5 of the State a fee of \$90.00 except for small claims actions, estates, and
6 motions to confirm the sale of property in foreclosure. A filing fee of \$90.00
7 shall be paid to the clerk of the court for a civil petition for minor settlements.
8 The \$90.00 filing fee shall only apply for a motion to seal a criminal history
9 record of a violation of 23 V.S.A. § 1201(a) pursuant to 13 V.S.A.
10 § 7602(a)(1)(C), but shall not apply for any other motion to seal or expunge a
11 criminal history record pursuant to 13 V.S.A. § 7602, 33 V.S.A. § 5119(g), or
12 other applicable records clearance provisions.

13 * * *

14 **Sec. 7a. 13 V.S.A. § 7602 is amended to read:**

15 **§ 7602. EXPUNGEMENT AND SEALING OF RECORD,**

16 **POSTCONVICTION; PROCEDURE**

17 **(a)(1) A person may file a petition with the court requesting expungement**
18 **or sealing of the criminal history record related to the conviction if:**

19 * * *

20 **(C) pursuant to the conditions set forth in subsection (g) of this**
21 **section, the person was convicted of a violation of 23 V.S.A. § 1201(a) or**

1 § 1091 related to operating under the influence of alcohol or other substance,
2 excluding a violation of ~~that section~~ those sections resulting in serious bodily
3 injury or death to any person other than the operator, or related to operating a
4 school bus with a blood alcohol concentration of 0.02 or more or operating a
5 commercial vehicle with a blood alcohol concentration of 0.04 or more; or

6 * * *

7 * * * Correcting Title of Chief Superior Judge * * *

8 Sec. 8. 4 V.S.A. § 21a is amended to read:

9 § 21a. DUTIES OF THE ~~ADMINISTRATIVE~~ CHIEF SUPERIOR JUDGE

10 (a) The ~~Administrative~~ Chief Superior Judge shall assign and specially
11 assign Superior judges, including ~~himself or herself~~ themselves, and
12 Environmental judges to the Superior Court. All Superior judges except
13 Environmental judges shall be subject to the requirements of rotation as
14 ordered by the Supreme Court. Assignments made pursuant to the rotation
15 schedule shall be subject to the approval of the Supreme Court.

16 (b) In making any assignment under this section, the ~~Administrative~~ Chief
17 Superior Judge shall give consideration to the experience, temperament, and
18 training of a judge and the needs of the court. In making an assignment to the
19 Environmental Division, the ~~Administrative~~ Chief Superior Judge shall give
20 consideration to experience and expertise in environmental and land use law

1 and shall assign or specially assign judges in a manner to provide appropriate
2 attention to all geographic areas of the State.

3 (c) In making any assignments to the Environmental Division under this
4 section, the ~~Administrative~~ Chief Superior Judge shall regularly assign two
5 judges, at least one of whom shall be an Environmental judge. An
6 Environmental judge may be assigned to other divisions in the Superior Court
7 for a period of time not exceeding two years. When assigned to other divisions
8 in the Superior Court, the Environmental judge shall have all the powers and
9 responsibilities of a Superior judge.

10 Sec. 9. 4 V.S.A. § 22 is amended to read:

11 § 22. DESIGNATION AND SPECIAL ASSIGNMENT OF JUDICIAL
12 OFFICERS AND RETIRED JUDICIAL OFFICERS

13 (a)(1) The Chief Justice may appoint and assign a retired Justice or judge
14 with ~~his or her~~ the Justice's or judge's consent or a Superior or Probate judge
15 to a special assignment on the Supreme Court. The Chief Justice may appoint,
16 and the ~~Administrative~~ Chief Superior Judge shall assign, an active or retired
17 Justice or a retired judge, with ~~his or her~~ the Justice's or judge's consent, to
18 any special assignment in the Superior Court or the Judicial Bureau.

19 (2) The ~~Administrative~~ Chief Superior Judge may appoint and assign a
20 judge to any special assignment in the Superior Court. As used in this

1 subdivision, a judge shall include a Superior judge, a Probate judge, a Family
2 Division magistrate, or a judicial hearing officer.

3 (b) The ~~Administrative~~ Chief Superior Judge may appoint and assign a
4 member of the Vermont Bar residing within the State of Vermont to serve
5 temporarily as:

- 6 (1) an acting judge in Superior Court;
7 (2) an acting magistrate;
8 (3) an acting Probate judge; or
9 (4) an acting hearing officer to hear cases in the Judicial Bureau.

10 * * *

11 (f) In making an appointment under subsection (b) of this section, the
12 ~~Administrative~~ Chief Superior Judge shall apply the criteria and standards for
13 judicial appointments contained in section 601 of this title.

14 Sec. 10. 4 V.S.A. § 36 is amended to read:

15 § 36. COMPOSITION OF THE COURT

16 * * *

17 (C) Use of the term “judicial officer” in subdivisions (A) and (B) of
18 this subdivision (2) shall not be construed to expand a judicial officer’s ~~subject~~
19 ~~matter~~ subject-matter jurisdiction or conflict with the authority of the Chief
20 Justice or ~~Administrative~~ Chief Superior Judge to make special assignments
21 pursuant to section 22 of this title.

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Sec. 11. 4 V.S.A. § 38 is amended to read:

§ 38. JUDICIAL MASTERS

(a) The ~~Administrative~~ Chief Superior Judge may appoint a licensed Vermont lawyer who has been engaged in the practice of law in Vermont for at least the last five years to serve as a Judicial Master. The Judicial Master shall be an employee of the Judiciary and be subject to the Code of Judicial Conduct. A Judicial Master shall not engage in the active practice of law for remuneration while serving in this position. In making this appointment, the Administrative Judge shall apply the criteria and standards for judicial appointments contained in section 601 of this title. The Judicial Master may hear and decide the following matters as designated by the Administrative Judge:

* * *

Sec. 12. 4 V.S.A. § 71 is amended to read:

§ 71. APPOINTMENT AND TERM OF SUPERIOR JUDGES

* * *

(e) The Supreme Court shall designate one of the Superior judges to serve as ~~Administrative~~ Chief Superior Judge. The ~~Administrative~~ Chief Superior Judge shall serve at the pleasure of the Supreme Court.

1 Sec. 13. 4 V.S.A. § 73 is amended to read:

2 § 73. ASSIGNMENT

3 (a) In accordance with the direction of the Supreme Court, the
4 ~~Administrative~~ Chief Superior Judge shall assign the Superior judges among
5 the units and divisions of the Superior Court. The ~~Administrative~~ Chief
6 Superior Judge shall assign a presiding judge to each unit and may assign a
7 judge to preside in more than one unit. In a case where a Superior judge is
8 disqualified or unable to attend any term of court or part thereof to which ~~he or~~
9 ~~she~~ the Superior Judge has been assigned, the ~~Administrative~~ Chief Superior
10 Judge may assign another Superior judge to act as judge at that term or part
11 thereof for that period during which the assigned judge is disqualified or
12 unable to attend. If during a term of the Superior Court the court in a unit is
13 unable to complete all or part of the work before it in a reasonable time, the
14 ~~Administrative~~ Chief Superior Judge, with the approval of the Supreme Court,
15 may modify judge assignments to reduce delays in that unit. The court shall
16 publish the judicial rotation schedule in electronic format and distribute it
17 electronically to attorneys licensed in Vermont.

18 (b) Pursuant to section 21a of this title, the ~~Administrative~~ Chief Superior
19 Judge shall assign Superior judges to hear and determine Family Court matters.
20 The ~~Administrative~~ Chief Superior Judge shall ensure that such hearings are
21 held promptly. Any contested divorce case ~~which~~ that has been pending for

1 more than one year shall be advanced for prompt hearing upon the request of
2 any party.

3 (c) As necessary to ensure the efficient operation of the Superior Court, the
4 presiding judge of the unit may specially assign a Superior judge assigned to a
5 division in the unit, including the presiding judge, to preside over one or more
6 cases in a different division. As the ~~Administrative~~ Chief Superior Judge
7 determines necessary for the operation of the Superior Court throughout the
8 State, and with the approval of the Supreme Court, the ~~Administrative~~ Chief
9 Superior Judge may additionally assign for a specified period of time a
10 Superior judge to preside over a particular type of case, or over a particular
11 type of motion or other judicial proceeding, in all or part of the units in the
12 State.

13 Sec. 14. 4 V.S.A. § 111 is amended to read:

14 § 111. SUPERIOR COURT SESSIONS

15 (a) When the business of a Superior Court cannot otherwise be disposed of
16 with reasonable dispatch, by direction of the ~~Administrative~~ Chief Superior
17 Judge, there may be held additional sessions of that Superior Court
18 simultaneously with the regular session consisting of a presiding judge and one
19 or more assistant judges, if available.

20 (b) A Superior Court may be temporarily recessed or adjourned from the
21 place designated for holding a regular term or session to another place having

1 adequate facilities, when the regular facilities at the designated courthouse are
2 not adequate.

3 (c) The ~~Administrative~~ Chief Superior Judge may assign assistant judges,
4 with their consent, to a special assignment in a court where they have
5 jurisdiction in another county when assistant judges of that county are
6 unavailable or the business of the courts so requires.

7 Sec. 15. 4 V.S.A. § 115 is amended to read:

8 § 115. STATED TERMS OF SUPERIOR COURT

9 The Superior Court shall operate continuously irrespective of the term in
10 which events occur. Terms are designated for purposes of determining the
11 rotation schedule of Superior judges and the responsibility of a Superior judge
12 once a term has expired. When at the expiration of a term a Superior judge is
13 no longer assigned to a specified unit, the judge shall complete any matters that
14 have been heard or taken under advisement for that unit. The ~~Administrative~~
15 Chief Superior Judge, pursuant to rules of the Supreme Court, may specially
16 assign a Superior judge to continue to preside over one or more cases even
17 though the judge is no longer assigned to the unit of origin of the case or cases.
18 In the absence of such a direction or of an assignment made pursuant to
19 subsection 73(c) of this title, a judge who at the end of a term is no longer
20 assigned to a unit shall have no further responsibility for cases in that unit.

1 Sec. 16. 4 V.S.A. § 272 is amended to read:

2 § 272. PROBATE DISTRICTS; PROBATE JUDGES

3 * * *

4 (c) The ~~Administrative~~ Chief Superior Judge may specially assign a
5 Probate judge to hear a case in a geographical district other than the district for
6 which the Probate judge was elected.

7 Sec. 17. 4 V.S.A. § 461a is amended to read:

8 § 461a. ESSEX COUNTY; POWERS OF ASSISTANT JUDGES AND
9 MAGISTRATES IN FAMILY COURT PROCEEDINGS

10 * * *

11 (b) The ~~Administrative~~ Chief Superior Judge may appoint and may
12 specially assign a magistrate to serve as the presiding judge in the Family
13 Division of the Superior Court in Essex County.

14 * * *

15 Sec. 18. 4 V.S.A. § 461c is amended to read:

16 § 461c. POWERS OF ASSISTANT JUDGES IN DIVORCE
17 PROCEEDINGS

18 * * *

19 (c) Prior to hearing an uncontested domestic matter, an assistant judge shall
20 sit with a Superior judge on domestic proceedings for a minimum of 100
21 hours, satisfactorily complete a minimum of 30 hours of training on subjects

1 relevant to domestic proceedings and the Code of Judicial Conduct, and
2 conduct a minimum of three uncontested domestic hearings with a Superior
3 judge who shall, in ~~his or her~~ the Superior judge's sole discretion, certify to the
4 ~~Administrative~~ Chief Superior Judge that the assistant judge is qualified to
5 preside over matters under this section. Upon application of an assistant judge,
6 some or all of these requirements may be waived by the ~~Administrative~~ Chief
7 Superior Judge based on equivalent experience. The requirements set forth
8 herein shall only apply to assistant judges who elect to conduct uncontested
9 final hearings in domestic cases after July 1, 2010. An assistant judge already
10 conducting hearings under this section as of July 1, 2010 shall be deemed to
11 have complied with these requirements.

12 Sec. 19. 4 V.S.A. § 906 is amended to read:

13 § 906. CONFLICTING APPOINTMENTS, EXCUSE FROM ATTENDING
14 BY ~~ADMINISTRATIVE~~ CHIEF SUPERIOR JUDGE

15 When an attorney is required to attend more than one trial, hearing, or other
16 proceeding before a court or commission having judicial or quasi-judicial
17 functions, or both, at times which conflict so that ~~he or she~~ the attorney cannot
18 reasonably attend each appointment, the attorney may request the
19 ~~Administrative~~ Chief Superior Judge to designate which appointment ~~he or she~~
20 the attorney shall attend. The ~~Administrative~~ Chief Superior Judge shall
21 designate the appointment the attorney shall attend and shall notify the

1 presiding magistrate of each court and commission of ~~his or her~~ the Justice's or
2 judge's decision. The attorney shall be excused from attending at that time any
3 proceedings other than the one designated by the ~~Administrative~~ Chief
4 Superior Judge, and the other proceedings shall be rescheduled.

5 Sec. 20. 4 V.S.A. § 1001 is amended to read:

6 § 1001. ENVIRONMENTAL DIVISION

7 * * *

8 (b) Two environmental judges shall be appointed to hear matters in the
9 Environmental Division and to hear other matters in the Superior Court when
10 so assigned by the ~~administrative judge~~ Chief Superior Judge pursuant to
11 subsection 21a(c) of this title.

12 Sec. 21. 4 V.S.A. § 1104 is amended to read:

13 § 1104. APPOINTMENT OF HEARING OFFICERS

14 The ~~Administrative~~ Chief Superior Judge shall appoint members of the
15 Vermont Bar to serve as hearing officers to hear cases. Hearing officers shall
16 be subject to the Code of Judicial Conduct.

17 Sec. 22. 4 V.S.A. § 1108 is amended to read:

18 § 1108. JUDICIAL BUREAU VIOLATIONS; JURISDICTION OF
19 ASSISTANT JUDGES

20 * * *

1 (c) The ~~Administrative~~ Chief Superior Judge may assign or direct
2 assignment of an assistant judge with ~~his or her~~ the assistant judge's consent to
3 hear matters in the Judicial Bureau within the county in which the assistant
4 judge presides or in a county other than the county in which the assistant judge
5 presides if the assistant judge has elected to hear and decide such matters.

6 Sec. 23. 12 V.S.A. § 5538 is amended to read:

7 § 5538. APPEALS

8 Any party may appeal from a small claims judgment to Superior Court.

9 The ~~Administrative~~ Chief Superior Judge shall assign the appeal to a Superior
10 judge who shall not have participated in any way in the decision being
11 appealed. The appeal shall be heard and decided, based on the record made in
12 the small claims procedure. No appeal as of right exists to the Supreme Court.
13 On motion made to the Supreme Court by a party to the action, the Supreme
14 Court may allow an appeal from the Superior Court.

15 Sec. 24. 12 V.S.A. § 5540a is amended to read:

16 § 5540a. JURISDICTION OVER SMALL CLAIMS; ASSISTANT JUDGES

17 * * *

18 (d) An assistant judge upon successful completion of the training under
19 subsection (b) of this section, shall cause the Superior Court clerk to notify the
20 Court Administrator of the assistant judge's successful completion of training.
21 Upon receipt of such notification, small claims cases ~~which~~ that require a

1 hearing shall first be set for hearing before an assistant judge in the Superior
2 Court in the county and shall be heard by the assistant judge. If the assistant
3 judge is unavailable due to illness, vacation, administrative leave, disability, or
4 disqualification, the ~~Administrative~~ Chief Superior Judge pursuant to 4 V.S.A.
5 § 22 may assign a judge, or appoint and assign a member of the Vermont bar to
6 serve temporarily as an acting judge, to hear small claims cases in the county.
7 No action filed or pending shall be heard at or transferred to any other location
8 unless agreed to by the parties. If both assistant judges of the county elect to
9 successfully complete training to hear these matters, the senior assistant judge
10 shall make the assignment of cases to be heard by each assistant judge. The
11 assistant judges, once qualified to preside in these matters, shall work with the
12 Court Administrator's office and the ~~Administrative~~ Chief Superior Judge such
13 that the scheduling of small claims cases before the assistant judges are at such
14 times as to permit adequate current court personnel to be available when these
15 cases are heard.

16 * * *

17 Sec. 25. 13 V.S.A. § 5451 is amended to read:

18 § 5451. CREATION OF COMMISSION

19 (a) The Vermont Sentencing Commission is established for the purpose of
20 overseeing criminal sentencing practices in the State, reducing geographical

1 disparities in sentencing, and making recommendations regarding criminal
2 sentencing to the General Assembly.

3 (b) The Commission shall consist of the following members:

4 (1) the Chief Justice of the Vermont Supreme Court or designee;

5 (2) the Chief Superior Judge or designee, provided that the designee is a
6 sitting or retired Vermont judge;

7 (3) a ~~District or~~ Superior Court Judge with substantial criminal law
8 experience appointed by the ~~administrative judge~~ Chief Superior Judge;

9 (4) the Chair of the Senate Committee on Judiciary;

10 (5) the Chair of the House Committee on Judiciary;

11 (6) the Attorney General or designee;

12 (7) the Defender General or designee;

13 (8) the Executive Director of the Department of State's Attorneys and
14 Sheriffs or designee;

15 (9) the Appellate Defender;

16 (10) a State's Attorney appointed by the Executive Director of the
17 Department of State's Attorneys and Sheriffs;

18 (11) a staff public defender with experience in juvenile defense matters
19 appointed by the Defender General;

20 (12) an attorney with substantial criminal law experience appointed by
21 the Vermont Bar Association;

- 1 (13) the Commissioner of Corrections or designee;
2 (14) the Commissioner of Public Safety or designee;
3 (15) the Executive Director of the Vermont Center for Crime Victim
4 Services or designee;
5 (16) the Executive Director of the Vermont Crime Research Group; and
6 (17) one member of the public appointed by the Governor.

7 * * *

8 Sec. 26. 24 V.S.A. § 139 is amended to read:

9 § 139. ASSISTANT JUDGE JUDICIAL EDUCATION

10 The assistant judges, either collectively or through a duly authorized
11 committee of assistant judges established by a majority vote of the assistant
12 judges after consultation with the ~~administrative judge~~ Chief Superior Judge,
13 shall, by majority vote:

14 (1) identify the training needs of assistant judges, including needs ~~which~~
15 that are required by law; and

16 (2) design, organize, and implement training for assistant judges,
17 including training ~~which~~ that is required by law.

18 Sec. 27. 24 V.S.A. § 3211 is amended to read:

19 § 3211. DETERMINATION OF NECESSITY

20 * * *

1 (b) The Superior Court judge to whom the petition is presented shall fix the
2 time for hearing, which shall not be more than 60 nor less than 40 days from
3 the date the judge signs such order. Likewise, the judge shall fix the place for
4 hearing, which shall be the county courthouse or any other place within the
5 county in which the land in question is located. If the Superior Court judge to
6 whom the petition is presented cannot hear the petition at the time set therefor,
7 the judge shall call upon the ~~administrative judge~~ Chief Superior Judge to
8 assign another Superior Court judge to hear the cause at the time and place
9 assigned in the order.

10 * * *

11 Sec. 28. 24 V.S.A. § 3605 is amended to read:

12 § 3605. HEARING TO DETERMINE NECESSITY

13 The judge to whom such petition is presented shall fix the time for hearing,
14 which shall not be more than 60 nor less than 30 days from the date ~~he or she~~
15 the judge signs such order. Likewise, ~~he or she~~ the judge shall fix the place for
16 hearing, which shall be the county courthouse or any other convenient place
17 within the county in which the land in question is located. If the Superior
18 judge to whom such petition is presented cannot hear the petition at the time
19 set therefore, ~~he or she~~ the Superior judge shall call upon the ~~Administrative~~
20 Chief Superior Judge to assign another Superior judge to hear such cause at the
21 time and place assigned in the order.

1 Sec. 29. 32 V.S.A. § 8361 is amended to read:

2 § 8361. GENERAL RULES FOR APPEALS

3 (a) A party aggrieved, including the State represented by the State
4 Treasurer, on or before February 15 following such an appraisal, may appeal
5 therefrom to a Superior judge designated by the ~~administrative judge~~ Chief
6 Superior Judge, not excluding ~~himself or herself~~ themselves, who shall hear
7 such appeal.

8 * * *

9 Sec. 30. 32 V.S.A. § 9272 is amended to read:

10 § 9272. SUSPENSION AND REVOCATION OF LICENSES; APPEAL

11 * * *

12 (b) Any operator aggrieved by such suspension, revocation, or refusal may
13 appeal therefrom to any Superior judge within 10 days after written notice of
14 such suspension, revocation, or refusal has been mailed or delivered to ~~him or~~
15 ~~her~~ the operator. Such Superior judge or another Superior judge designated by
16 the ~~administrative judge~~ Chief Superior Judge shall hear such appeal forthwith.

17 * * *

18 Sec. 31. 32 V.S.A. § 9816 is amended to read:

19 § 9816. SUSPENSION OR REVOCATION OF CERTIFICATES; APPEAL

20 * * *

1 (b) Any person required to collect the tax aggrieved by a suspension,
2 revocation, or refusal may appeal therefrom to any Superior judge within
3 10 days after written notice of the suspension, revocation, or refusal has been
4 mailed or delivered to ~~him or her~~ the person. The Superior judge or another
5 Superior judge designated by the ~~administrative judge~~ Chief Superior Judge
6 shall hear the appeal forthwith.

7 * * *

8 * * * Report on Collection of Racial Data in Civil Court Filings * * *

9 Sec. 32. REPORT BY CHIEF SUPERIOR JUDGE ON COLLECTION OF
10 RACIAL DATA IN CIVIL COURT FILINGS

11 On or before December 1, 2022, the Chief Superior Judge shall report to the
12 House and Senate Committees on Judiciary on practices for the collection of
13 racial demographic data in civil court filings. The report shall describe
14 whether and in what manner data about the race of parties in civil court
15 actions, including eviction and debt collection proceedings, is collected by
16 courts in Vermont and other jurisdictions. The report may include
17 recommendations for future practices and strategies to collect racial
18 demographic data for civil court filings in Vermont. A copy of the report shall
19 be sent to the Executive Director of Racial Equity.

1 (1) Civil process:

2 (A) For serving each process, the fees shall be as follows:

3 (i) \$10.00 for each reading or copy wherein the officer is directed
4 to make an arrest;

5 (ii) ~~\$50.00~~ \$75.00 upon presentation of each return of service for
6 the service of papers relating to divorce, annulments, separations, or support
7 complaints;

8 (iii) ~~\$50.00~~ \$75.00 upon presentation of each return of service for
9 the service of papers relating to civil suits except as provided in subdivisions
10 (1)(A)(ii) and (1)(A)(vii) of this section;

11 (iv) ~~\$50.00~~ \$75.00 upon presentation of each return of service for
12 the service of a subpoena and shall be limited to that one fee for each return of
13 service;

14 * * *

15 (E) Quarterly, 15 percent of the gross civil process fees received by a
16 sheriff's department or constable during that quarter shall be forwarded to the
17 State Treasurer for deposit in the State's General Fund.

18 * * *

19 Sec. 36. 20 V.S.A. § 2062 is amended to read:

20 § 2062. FINGERPRINTING FEES

1 State, county, and municipal law enforcement agencies may charge a fee of
2 not more than ~~\$25.00~~ \$35.00 for providing persons with a set of classifiable
3 fingerprints. No fee shall be charged to retake fingerprints determined by the
4 Vermont Crime Information Center not to be classifiable. Fees collected by the
5 State of Vermont under this section shall be credited to the Fingerprint Fee
6 Special Fund established and managed pursuant to 32 V.S.A. chapter 7,
7 subchapter 5, and shall be available to the Department of Public Safety to
8 offset the costs of providing these services.

9 Sec. 37. 16 V.S.A. § 257 is amended to read:

10 § 257. FEES FOR FINGERPRINTING; FINGERPRINT FEE SPECIAL
11 FUND

12 State, county, and municipal law enforcement agencies may charge a fee of
13 up to ~~\$15.00~~ \$35.00 for providing applicants or other individuals with a set of
14 classifiable fingerprints as required by this subchapter. No fee shall be charged
15 to retake fingerprints determined by the Vermont Crime Information Center
16 not to be classifiable. Fees collected by the State of Vermont under this section
17 shall be credited to the Fingerprint Fee Special Fund established and managed
18 pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the
19 Department of Public Safety to offset the costs of providing these services.

20 * * * Statute of Limitations for Discrimination Claims * * *

21 Sec. 38. 12 V.S.A. § 525 is added to read:

1 § 525. ACTIONS BASED ON DISCRIMINATION

2 An action under 9 V.S.A. § 4506(a) (discrimination in public
3 accommodations or housing) or 21 V.S.A. § 495b (employment
4 discrimination) shall be commenced within six years after the cause of action
5 accrues and not after.

6 Sec. 38. EFFECTIVE DATE

7 This act shall take effect on passage.

8 (Committee vote: _____)

9

10

Senator _____

11

FOR THE COMMITTEE