

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2014

Bill Number: S.264 **Name of Bill:** Court procedure; criminal procedure; technical corrections

Agency/Dept: VSP-Rockingham **Author of Bill Review:** Det. LT. Kraig E. LaPorte

Date of Bill Review: 6/26/2014 **Status of Bill: (check one):**

☐ **Upon Introduction** ☐ **As passed by 1st body** ☒ **As passed by both bodies**

Recommended Position:

☒ **Support** ☐ **Oppose** ☐ **Remain Neutral** ☐ **Support with modifications identified in # 8 below**

Analysis of Bill

- 1. Summary of bill and issue it addresses.** This bill proposes to make several technical corrections related to civil and criminal procedure statutes. These are deemed necessary for a variety of reason to include but not limited to updated language, adjust content for present day application, improvement of procedures and allow for the use of technology.
- 2. Is there a need for this bill?** Yes, portions of this bill have been amended or updated to improve the application of individual statutes. There are sections of this bill that do not concern law enforcement such as executions upon real estate, effects of spouse joining in mortgage, application to superior court for relief and transfer or sale in lieu of severance.
- 3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**
Sec. 5. 18 V.S.A. 4474(b) addresses the use of release forms by VCIC. Language is changed to require applicants that are applying as caregivers under the medical marijuana statute to use release forms that are developed by VCIC. If VCIC does not currently use their own forms, one will need to be developed.
- 4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** Title 4 V.S.A. 1111(new statute) would categorize a violation of Failure to Produce Identification to law enforcement upon request as a civil violation. An officer shall forthwith bring the individual before a judge in the Criminal Division of the Superior Court. This will increase the court's calendar in a moment's notice, increasing the need for security and administrative support without scheduling. Law enforcement would be required to appear before the court in these cases when they occur. State's Attorney staff will also be effected by these types of cases in that there could be little notice/time between the time of the violation and the appearance in court.
- 5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** The issue above could also be reflected in municipal law enforcement agencies with the need to appear in court relative to this type of violation.

Please return this bill review as a Microsoft Word or PDF document to laura.gray@state.vt.us

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? The adjustments and improvements in this bill would be widely supported, addressing improvements and the need for better application.

6.2 Who else is likely to oppose the proposal and why? unknown

7. Rationale for recommendation: This will be outlined by addressing each section:

Title 4 VSA 601 Judicial Nominating Board- additional language allows for more development and revisions at the board's discretion. The Office of Legislative Council shall assist the Board for the purpose of rulemaking. This appears to be a positive benefit for the board.

Title 18 VSA 4474(b) amendment to medical marijuana registered caregiver- changes to reflect the need for VCIC to use their own release form for criminal records is not an unreasonable request and would be easy to comply with this section

Title 20 VSA 2056e(a) & (h) amendment to VCIC Internal Security and Public Safety- minor language changes to reflect Vermont Crime Information Center instead of Vermont Criminal Information Center. This is changed for clarity.

Title 4 VSA 1111 Civil violation; Failure to produce identification- moves this section from another law section and identifies this violation as a civil violation that requires immediate appearance before a judge if law enforcement is not able to identify an individual. Instead of mandating one to identify themselves to law enforcement by producing proper identification and being held until this is satisfied, one would be charged with a civil violation for this same infraction.

8. Specific modifications that would be needed to recommend support of this bill: No modifications needed whoever clarity for law enforcement relating to Rule 3 may be needed when it comes to detentions when proper identification is an issue.

Secretary/Commissioner has reviewed this document



Date: 6/30/14

Please return this bill review as a Microsoft Word or PDF document to laura.gray@state.vt.us