

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2013

Bill Number: H.079 **Name of Bill:** Regulated drugs: penalties for sale in dwelling

Agency/ Dept: VSP- NIU **Author of Bill Review:** Rep. Fagan-Rutland City, Cupoli-Rutland City, Gage-Rutland City, Russell-Rutland City, Terenzini-Rutland Town.

Date of Bill Review: 1/28/2013 **Status of Bill: (check one):**

Upon Introduction As passed by 1st body As passed by both bodies Fiscal

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 is intended to impose criminal penalties on landlords who knowingly permit the sales of illegal drugs by tenants who occupy a dwelling owned by the landlord. The criminal penalties will be imposed in cases where the landlord has actual knowledge of this activity. Landlords can be exempted from any penalties if he or she notifies a law enforcement officer within 24 hours of becoming aware that such activities are occurring on their property.
2. **Is there a need for this bill?** This bill corrects a significant loophole that exists in the current T18 VSA 4252- Penalties for dispensing or selling regulated drugs in a dwelling. Under the existing 4252 only knowledge during the signing of the lease agreement can be considered. Prosecutors have not had significant success charging this section. This new proposal offers an incentive to landlords through exemption but also opens the time frame of their knowledge of drug sales. The timely reporting, within 24 hrs., is a welcomed addition.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** None
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?** None
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** Concern from landlord associations of law enforcement leaning on hearsay statements when considering charges.

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6. Other Stakeholders: Local communities and government (select boards, town management)

6.1 Who else is likely to support the proposal and why? Local community members support this bill citing it will encourage landlords to speak up when they know tenants are breaking the law. Local select board members have pledged support indicating it would keep landlords accountable but also send a message to drug dealers that another entity is watching them. Town managers advocate for this bill with the hopes of it reducing those who wish to deal drugs in Vermont.

6.2 Who else is likely to oppose the proposal and why? Landlords and their respective associations do not support this citing they are not involved in what people do in their homes. Tenants deserve and are entitled to privacy. This could put the landlord in a position where revenge is sought on them for reporting to law enforcement.

7. Rationale for recommendation: This bill should be supported as it keeps land lords accountable, should they have specific knowledge of drug activities on their property, at any time. This will aid to combat drug sales in Vermont and it closes the existing loop hole of knowledge at the time the tenant signs the lease to any knowledge at any time. Timely reporting is a welcomed addition to the existing law.

8. Specific modifications that would be needed to recommend support of this bill: The proposed bill requires the landlord to notify law enforcement within 24 hrs. The definition of acceptable communications for this notification need to be clarified. Concerns of limited or misleading reporting to police would skirt the intention of this bill (post on facebook, text message to an officer etc...). Reasonable notice to law enforcement in writing, by telephone or in person would be acceptable and set the expectation for reporting.