

Attorney General's Office Proposals

S.234 Miscellaneous Bill

1. Remove the mandatory risk screening part of the pretrial services statute, 13 VSA 7554c(b)(1): “Except as provided in subdivision (2) of this subsection, a person who is arrested, lodged, and unable to post bail within 24 hours of lodging shall be offered a risk assessment and, if deemed appropriate by the pretrial services coordinator, a needs screening prior to arraignment.”
2. Change the name of the “Youth Substance Abuse Safety Program” to the “Youth Substance Awareness Safety Program.” Diversion directors around the state believe this will better reflect the curriculum, and will create more buy-in from young people engaged in the program. This would require a change in a number of statutes: I think it would include: 18 VSA 4230a, 18 VSA 4230b, 18 VSA 4230f, 7 VSA 656, 3 VSA 163 and 164.
3. Return the underage marijuana possession to a statutory scheme that mirrors the underage alcohol scheme. This will require the addition of a delinquency for possession of marijuana if a person is under 16 years of age—it would mimic 7 VSA 657a (under 16 possession of alcohol). This will allow for greater confidentiality and fewer collateral consequences. The civil violation leaves open the possibility of a permanent public record of the marijuana violation if the person does not successfully complete diversion.

We won't repeal the civil violation for marijuana possession under 21—the civil violation will apply to ages 16 through 21.

DCF is in agreement with this recommendation. It will not have a practical effect on resources, as the cases will come back through the same Diversion staff who handle them now—but with increased confidentiality protections.