

Introduced by Committee on Judiciary

Date:

Subject: Court procedure; criminal procedure; miscellaneous amendments

Statement of purpose of bill as introduced: This bill proposes to make a number of miscellaneous amendments related to civil and criminal procedure statutes.

An act relating to miscellaneous judiciary procedures

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. chapter 7 is amended to read:

CHAPTER 7. ATTORNEY GENERAL

* * *

Subchapter 3. Profits from Crime

§ 171. DEFINITION

As used in this subchapter, “profits from crimes” means:

(1) any property obtained through or income generated from the commission of a crime in which the defendant was convicted;

(2) any property obtained by or income generated from the sale, conversion, or exchange of proceeds of a crime, including any gain realized by such sale, conversion, or exchange;

1 (3) any property that the defendant obtained or any income generated as
2 a result of having committed the crime, including any assets obtained through
3 the use of unique knowledge acquired during the commission of or in
4 preparation for the commission of the crime, as well as any property obtained
5 or income generated from the sale, conversion, or exchange of such property
6 and any gain realized by such sale, conversion, or exchange; and

7 (4) any property that the defendant obtained or any income generated
8 from the sale of tangible property the value of which is increased by the
9 notoriety gained from the conviction of an offense by the person accused or
10 convicted of the crime.

11 § 172. NOTICE OF PROFITS FROM A CRIME

12 (a) Every person, firm, corporation, partnership, association, or other legal
13 entity that knowingly contracts for, pays, or agrees to pay any profits from a
14 crime, as defined in 13 V.S.A. § 5351(8), to a person charged with or
15 convicted of that crime shall give written notice to the Attorney General of the
16 payment or obligation to pay as soon as is practicable after discovering that the
17 payment is or will be a profit from a crime.

18 (b) The Attorney General, upon receipt of notice of a contract, agreement
19 to pay, or payment of profits of the crime shall send written notice of the
20 existence of such profits to all known victims of the crime at their last known
21 addresses.

1 § 173. ACTIONS TO RECOVER PROFITS FROM A CRIME

2 (a) Notwithstanding any other provision of law, including any statute of
3 limitations, any crime victim shall have the right to bring a civil action in a
4 court of competent jurisdiction to recover money damages from a person
5 convicted of that crime, or the legal representative of that convicted person,
6 within three years after the discovery of any profits from the crime. Any
7 damages awarded in such action shall be recoverable only up to the value of
8 the profits of the crime. This section shall not limit the right of a victim to
9 proceed or recover under another cause of action.

10 (b) The Attorney General may, within three years after the discovery of any
11 profits from the crime, bring a civil action on behalf of the State to enforce the
12 subrogation rights described in 13 V.S.A. § 5357.

13 (c) If the full value of any profits from the crime has not yet been claimed
14 by either the victim of the crime or the victim's representative, the Attorney
15 General, or both, within three years after the discovery of such profits, then the
16 State may bring a civil action in a court of competent jurisdiction to recover
17 the costs incurred by providing the defendant with counsel, if any, and other
18 costs reasonably incurred or to be incurred in the incarceration of the
19 defendant.

20 (d) Upon the filing of an action pursuant to subsection (a) of this section,
21 the victim shall deliver a copy of the summons and complaint to the Attorney

1 General. Upon receipt of a copy of the summons and complaint, the Attorney
2 General shall send written notice of the alleged existence of profits from the
3 crime to all other known victims at their last known addresses.

4 (e) To avoid the wasting of assets identified in the complaint as newly
5 discovered profits of the crime, the Attorney General, acting on behalf of the
6 plaintiff and all other victims, shall have the right to apply for all remedies that
7 are also otherwise available to the victim.

8 Sec. 2. 7 V.S.A. § 656 is amended to read:

9 § 656. PERSON 12 YEARS OF AGE OR OLDER AND UNDER 21 YEARS
10 OF AGE MISREPRESENTING AGE, PROCURING, POSSESSING,
11 OR CONSUMING ALCOHOLIC BEVERAGES; IMPAIRED
12 DRIVING; POSSESSION OF CANNABIS; CIVIL VIOLATION

13 * * *

14 (b) Prohibited conduct; offenses.

15 (1) Prohibited conduct. A person 12 years of age or older and under 21
16 years of age shall not:

17 (A) Falsely represent the person's age for the purpose of procuring or
18 attempting to procure malt or vinous beverages, ready-to-drink spirits
19 beverages, spirits, or fortified wines from any licensee, State liquor agency, or
20 other person or persons.

1 (B) Possess malt or vinous beverages, ready-to-drink spirits
2 beverages, spirits, or fortified wines for the purpose of consumption by the
3 person or other minors, except in the regular performance of duties as an
4 employee of a licensee licensed to sell alcoholic liquor.

5 (C) Knowingly and unlawfully possess one ounce or less of cannabis
6 or five grams or less of hashish or two mature cannabis plants or fewer or four
7 immature cannabis plants or fewer.

8 (D) Consume malt or vinous beverages, ready-to-drink spirits
9 beverages, spirits, or fortified wines. A violation of this subdivision may be
10 prosecuted in a jurisdiction where the person has consumed malt or vinous
11 beverages, ready-to-drink spirits beverages, spirits, or fortified wines or in a
12 jurisdiction where the indicators of consumption are observed.

13 (E) Operate, attempt to operate, or be in actual physical control on a
14 highway of a vehicle when the person's blood alcohol concentration is 0.02 or
15 more.

16 (2) Procurement, possession, or consumption penalties. A person who
17 knowingly violates any of subdivisions (1)(A)–(D) of this subsection commits
18 a civil violation and shall be referred to the Court Diversion Program for the
19 purpose of enrollment in the Youth Substance Awareness Safety Program. A
20 person who fails to complete the program successfully commits a civil

1 violation under the jurisdiction of the Judicial Bureau and shall be subject to
2 the following:

3 (A) a civil penalty of \$300.00 and suspension of the person's
4 operator's license and privilege to operate a motor vehicle for a period of 30
5 days, for a first offense and shall be automatically reinstated after the 30-day
6 period; and

7 (B) a civil penalty of not more than \$600.00 and suspension of the
8 person's operator's license and privilege to operate a motor vehicle for a
9 period of 90 days, for a second or subsequent offense and shall be
10 automatically reinstated after the 90-day period.

11 * * *

12 Sec. 3. 7 V.S.A. § 1005 is amended to read:

13 § 1005. PERSONS 12 YEARS OF AGE OR OLDER AND UNDER 21
14 YEARS OF AGE; POSSESSION OF TOBACCO PRODUCTS;
15 MISREPRESENTING AGE OR PURCHASING TOBACCO
16 PRODUCTS; PENALTY

17 (a)(1) A person 12 years of age or older and under 21 years of age shall not
18 possess, purchase, or attempt to purchase tobacco products, tobacco
19 substitutes, or tobacco paraphernalia unless:

1 (A) the person is an employee of a holder of a tobacco license and is
2 in possession of tobacco products, tobacco substitutes, or tobacco
3 paraphernalia to effect a sale in the course of employment; or

4 (B) the person is in possession of tobacco products or tobacco
5 paraphernalia in connection with Indigenous cultural tobacco practices.

6 (2) A person 12 years of age or older and under 21 years of age shall not
7 misrepresent ~~his or her~~ the person's age to purchase or attempt to purchase
8 tobacco products, tobacco substitutes, or tobacco paraphernalia.

9 (b) A person who possesses tobacco products, tobacco substitutes, or
10 tobacco paraphernalia in violation of subsection (a) of this section shall be
11 subject to having the tobacco products, tobacco substitutes, or tobacco
12 paraphernalia immediately confiscated and shall be further subject to a civil
13 penalty of \$25.00. An action under this subsection shall be brought in the
14 same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.

15 (c) A person 12 years of age or older and under 21 years of age who
16 misrepresents the person's age by presenting false identification to purchase
17 tobacco products, tobacco substitutes, or tobacco paraphernalia shall be subject
18 to a civil penalty of not more than \$50.00 or provide up to 10 hours of
19 community service, or both.

20 Sec. 4. 12 V.S.A. § 5 is amended to read:

21 § 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

1 (a) The Court shall not permit public access via the internet to ~~criminal,~~
2 family, or probate case records. ~~The Court may permit criminal justice~~
3 ~~agencies, as defined in 20 V.S.A. § 2056a, internet access to criminal case~~
4 ~~records for criminal justice purposes, as defined in 20 V.S.A. § 2056a.~~

5 (b) Notwithstanding subsection (a) of this section, the Court shall provide
6 licensed Vermont attorneys in good standing with access via the internet,
7 through the Judiciary’s public portal website or otherwise, to nonconfidential
8 ~~criminal,~~ family, and probate case records.

9 (c) Procedures governing public access via the internet to criminal case
10 records shall be set forth in rules promulgated by the Court.

11 (d) This section shall not be construed to prohibit the Court from providing
12 electronic access to:

13 (1) court schedules of the Superior Court ~~or opinions of the Criminal~~
14 ~~Division of the Superior Court;~~

15 (2) State agencies in accordance with data dissemination contracts
16 entered into under Rule 12 of the Vermont Rules for Public Access to Court
17 Records; or

18 (3) decisions, recordings of oral arguments, briefs, and printed cases of
19 the Supreme Court.

20 Sec. 5. 12 V.S.A. § 506 is amended to read:

21 § 506. JUDGMENTS

1 (a) Actions on judgments and actions for the renewal or revival of
2 judgments shall be brought in the Civil Division of the Superior Court by filing
3 a new and independent action on the judgment within eight years after the
4 rendition of the judgment, and not after.

5 (b) Notwithstanding subsection (a) of this section, the Family Division of
6 the Superior Court shall have exclusive jurisdiction over actions on judgments
7 issued by the Family Division.

8 (1) Renewal of a Family Division judgment for money or property shall
9 be initiated specifically by a motion to renew in the county that issued the
10 underlying judgment within eight years after the rendition of the judgment or
11 when the last payment or action required is due, whichever occurs last, except
12 that orders awarding or conveying real estate shall not be subject to a statutory
13 limitation. A motion to renew a Family Division judgment for money or
14 property shall be served upon all respondent parties in the manner prescribed
15 for the filing of a new action for divorce or parentage. A judgment issued by
16 the Family Division pursuant to a motion to renew such a judgment shall
17 restart the eight-year limitation on actions on judgments.

18 (2) The filing of a motion to renew shall toll the statute of limitations
19 until the court rules upon the motion.

20 (3) Any of the following shall restart the statutory limitation in
21 subdivision (1) of this subsection:

1 (A) a written, signed acknowledgement of the debt, action, or
2 obligation ordered in the judgment;

3 (B) any payment made by an obligor on a Family Division judgment,
4 including by wage withholding;

5 (C) any affirmation action taken by an obligor toward compliance
6 with the provisions of a Family Division judgment; or

7 (D) any payment made by a third party on behalf of the obligor
8 specifically toward the Family Division judgment.

9 (4) All property or money judgments issued by the Family Division
10 shall bear the following statement: “RENEWAL OF A FAMILY DIVISION
11 JUDGMENT FOR MONEY OR PROPERTY SHALL BE INITIATED BY
12 MOTION TO RENEW WITHIN EIGHT YEARS AFTER RENDITION OF
13 THE JUDGMENT OR WHEN THE LAST PAYMENT OR ACTION
14 REQUIRED IS DUE, WHICHEVER OCCURS LAST, OR IT CANNOT BE
15 ENFORCED.”

16 Sec. 6. 12 V.S.A. § 2683 is amended to read:

17 § 2683. EXECUTIONS ON JUDGMENTS OF ~~DISTRICT~~ SUPERIOR
18 COURTS; TIME

19 Executions issued upon a judgment rendered by a ~~District Court~~ Superior
20 Court shall be made returnable within 60 days from the date thereof. Such

1 executions may be issued so long as the judgment remains unsatisfied, but not
2 after eight years from the date of rendition of the judgment.

3 Sec. 7. 12 V.S.A. § 4601 is amended to read:

4 § 4601. ~~APPEALS IN FORECLOSURE ACTIONS~~

5 ~~When a judgment is for the foreclosure of a mortgage, permission of the~~
6 ~~court shall be required for review. [Repealed.]~~

7 Sec. 8. 12 V.S.A. § 5131 is amended to read:

8 § 5131. DEFINITIONS

9 As used in this chapter:

10 (1)(A) “Course of conduct” means:

11 (i) two or more acts over a period of time, however short, in which
12 a person follows, monitors, surveils, threatens, or makes threats about another
13 person, or interferes with another person’s property; or

14 (ii) use of any electronic, digital, or precise geolocation device or
15 software or application to surveil a specific person or a specific person’s
16 internet or wireless activity continuously for 12 hours or more or on two or
17 more occasions over a period of time, however short, without authorization.

18 (B) This definition shall apply to acts conducted by the person
19 directly or indirectly, and by any action, method, device, or means.

20 Constitutionally protected activity is not included within the meaning of
21 “course of conduct.”

1 (C) As used in subdivision (A) of this subdivision (1);

2 (i) threaten shall not be construed to require an express or overt
3 threat; and

4 (ii) course of conduct shall not be construed to require that the two
5 or more acts occur on separate calendar days.

6 * * *

7 (6) “Stalk” means to engage purposefully in a course of conduct directed
8 at a specific person that the person engaging in the conduct knows or should
9 know would cause a reasonable person to:

10 (A) fear for the person’s safety or the safety of a family member; or

11 (B) suffer substantial emotional distress as evidenced by:

12 (i) a fear of unlawful sexual conduct, unlawful restraint, bodily
13 injury, or death; or

14 (ii) significant modifications in the person’s actions or routines,
15 including moving from an established residence, changes to established daily
16 routes to and from work that cause a serious disruption in the person’s life,
17 changes to the person’s employment or work schedule, or the loss of a job or
18 time from work.

19 * * *

20 Sec. 9. 13 V.S.A. § 1061 is amended to read:

21 § 1061. DEFINITIONS

1 As used in this subchapter:

2 (1)(A) “Course of conduct” means two or more acts over a period of
3 time, however short, in which a person follows, monitors, surveils, threatens,
4 or makes threats about another person, or interferes with another person’s
5 property. This definition shall apply to acts conducted by the person directly
6 or indirectly, and by any action, method, device, or means. Constitutionally
7 protected activity is not included within the meaning of “course of conduct.”

8 (B) As used in subdivision (A) of this subdivision (1);

9 (i) threaten shall not be construed to require an express or overt
10 threat; and

11 (ii) course of conduct shall not be construed to require that the two or
12 more acts occur on separate calendar days.

13 (2) “Emotional distress” means significant mental suffering or distress
14 that may, but does not necessarily, require medical or other professional
15 treatment or counseling.

16 (3) “Reasonable person” means a reasonable person in the victim’s
17 circumstances.

18 (4) “Stalk” means to engage purposefully in a course of conduct directed
19 at a specific person that the person engaging in the conduct knows or should
20 know would cause a reasonable person to fear for his or her safety or the safety
21 of another or would cause a reasonable person substantial emotional distress.

1 Sec. 10. 13 V.S.A. § 2631 is amended to read:

2 § 2631. DEFINITIONS

3 As used in this ~~section~~ subchapter:

4 * * *

5 Sec. 11. 13 V.S.A. § 5314 is amended to read:

6 § 5314. INFORMATION FROM LAW ENFORCEMENT AGENCY

7 (a) Information to all victims. After initial contact between a victim and a
8 law enforcement agency responsible for investigating a crime, the agency shall
9 promptly give in writing to the victim:

10 (1) an explanation of the victim's rights under this chapter and chapter
11 167 of this title;

12 (2) information concerning the availability of:

13 (A) assistance to victims, including medical, housing, counseling,
14 and emergency services;

15 (B) compensation for victims under chapter 167 of this title, and the
16 name, street address, and telephone number of the Center for Crime Victim
17 Services;

18 (C) protection for the victim, including protective court orders; and

19 (D) access by the victim and the defendant to records related to the
20 case which are public under the provisions of 1 V.S.A. chapter 5, subchapter 3
21 (access to public records); and

* * *

§ 5351. DEFINITIONS

* * *

~~(C) any property that the defendant obtained or any income generated as a result of having committed the crime, including any assets obtained through the use of unique knowledge acquired during the commission of or in preparation for the commission of the crime, as well as any property obtained~~

1 ~~or income generated from the sale, conversion, or exchange of such property~~
2 ~~and any gain realized by such sale, conversion, or exchange; and~~
3 ~~(D) any property defendant obtained or any income generated from~~
4 ~~the sale of tangible property the value of which is increased by the notoriety~~
5 ~~gained from the conviction of an offense by the person accused or convicted of~~
6 ~~the crime. [Repealed.]~~

7 Sec. 13. 13 V.S.A. § 5352 is amended to read:

8 § 5352. VICTIMS COMPENSATION BOARD

9 (a) The Victims Compensation Board is established for the purpose of
10 awarding compensation to victims of crimes and to their dependents. The
11 Board shall consist of five members appointed by the Governor as follows:
12 one ~~physician~~ health care provider as defined in 18 V.S.A. § 9402 licensed to
13 practice in this State, one attorney admitted to practice in this State, one
14 individual who is a crime victim, and two public members. Each member shall
15 serve for a term of three years. A vacancy shall be filled in the same manner
16 as the original appointment for the remainder of the unexpired term.

17 * * *

18 Sec. 14. 13 V.S.A. § 5358a(d) is amended to read:

19 (d) Meetings of the Victims Compensation Board relating to victims
20 compensation or offender restitution shall not be subject to the Vermont Open
21 Meeting Law, 1 V.S.A. chapter 5, subchapter 2. Annually, the Board shall

1 hold an open meeting to present information and data concerning the victims
2 compensation and offender restitution programs, including aggregate
3 information on cases, pecuniary loss, expense reimbursement, restitution
4 orders, ~~profits from crimes~~, and nonidentifying information on the amounts of
5 compensation awarded to victims.

6 Sec. 15. 13 V.S.A. § 5363 is amended to read:

7 § 5363. CRIME VICTIMS' RESTITUTION SPECIAL FUND

8 * * *

9 (e) If the Restitution Unit collects in excess of ~~\$10,000.00~~ \$5,000.00 from
10 an offender, the amount in excess of ~~\$10,000.00~~ \$5,000.00 shall first be paid to
11 that offender's victims until the victims have received the full amount of
12 restitution ordered. Any excess remaining after the victims have received the
13 full amount of restitution ordered shall be divided between the Victims
14 Compensation Fund and the Crime Victims Special Restitution Fund in
15 proportion to the amount which each paid.

16 (f)(1) In no event shall the amount of restitution advanced to the victims of
17 a single crime spree during a single fiscal year under this title exceed five
18 percent of the balance of the Fund at the end of the prior fiscal year. If this
19 section applies, an advance payment to a victim shall be reduced by the same
20 percentage that the Restitution Unit reduces the total amount advanced to all
21 victims in connection with the crime spree. Unless otherwise ordered by the

1 court, the Restitution Unit shall determine the offenders and crimes
2 encompassed within a crime spree.

3 (2) A victim whose advance payment is reduced pursuant to this
4 subsection shall be entitled to receive additional advance payments during
5 subsequent fiscal years until the restitution order has been satisfied or the
6 ~~\$10,000.00~~ \$5,000.00 cap has been reached, whichever occurs first.

7 * * *

8 Sec. 16. 13 V.S.A. § 5421 is amended to read:

9 § 5421. ~~NOTICE OF PROFITS FROM A CRIME~~

10 (a) ~~Every person, firm, corporation, partnership, association, or other legal~~
11 ~~entity that knowingly contracts for, pays, or agrees to pay any profits from a~~
12 ~~crime, as defined in subdivision 5351(8) of this title, to a person charged with~~
13 ~~or convicted of that crime shall give written notice to the Attorney General of~~
14 ~~the payment or obligation to pay as soon as is practicable after discovering that~~
15 ~~the payment is or will be a profit from a crime.~~

16 (b) ~~The Attorney General, upon receipt of notice of a contract, agreement to~~
17 ~~pay, or payment of profits of the crime shall send written notice of the~~
18 ~~existence of such profits to all known victims of the crime at their last known~~
19 ~~addresses. [Repealed.]~~

20 Sec. 17. 13 V.S.A. § 5422 is amended to read:

21 § 5422. ~~ACTIONS TO RECOVER PROFITS FROM A CRIME~~

1 ~~(a) Notwithstanding any other provision of law, including any statute of~~
2 ~~limitations, any crime victim shall have the right to bring a civil action in a~~
3 ~~court of competent jurisdiction to recover money damages from a person~~
4 ~~convicted of that crime, or the legal representative of that convicted person,~~
5 ~~within three years of the discovery of any profits from the crime. Any damages~~
6 ~~awarded in such action shall be recoverable only up to the value of the profits~~
7 ~~of the crime. This section shall not limit the right of a victim to proceed or~~
8 ~~recover under another cause of action.~~

9 ~~(b) The Attorney General may, within three years of the discovery of any~~
10 ~~profits from the crime, bring a civil action on behalf of the State to enforce the~~
11 ~~subrogation rights described in section 5357 of this title.~~

12 ~~(c) If the full value of any profits from the crime has not yet been claimed~~
13 ~~by either the victim of the crime or the victim's representative, the Attorney~~
14 ~~General, or both, within three years of the discovery of such profits, then the~~
15 ~~State may bring a civil action in a court of competent jurisdiction to recover~~
16 ~~the costs incurred by providing the defendant with counsel, if any, and other~~
17 ~~costs reasonably incurred or to be incurred in the incarceration of the~~
18 ~~defendant.~~

19 ~~(d) Upon the filing of an action pursuant to subsection (a) of this section,~~
20 ~~the victim shall deliver a copy of the summons and complaint to the Attorney~~
21 ~~General. Upon receipt of a copy of the summons and complaint, the Attorney~~

1 ~~General shall send written notice of the alleged existence of profits from the~~
2 ~~crime to all other known victims at their last known addresses.~~

3 (e) ~~To avoid the wasting of assets identified in the complaint as newly~~
4 ~~discovered profits of the crime, the Attorney General, acting on behalf of the~~
5 ~~plaintiff and all other victims, shall have the right to apply for all remedies that~~
6 ~~are also otherwise available to the victim. [Repealed.]~~

7 Sec. 18. 13 V.S.A. § 7043 is amended to read:

8 § 7043. RESTITUTION

9 * * *

10 (b)(1) When ordered, restitution may include:

11 (A) return of property wrongfully taken from the victim;

12 (B) cash, credit card, or installment payments paid to the Restitution
13 Unit; or

14 (C) payments in kind, if acceptable to the victim.

15 (2) In the event of a victim's crime-related death, the court may, at the
16 request of the Restitution Unit, direct the Unit to pay up to ~~\$10,000.00~~
17 \$5,000.00 from the Restitution Fund to the victim's estate to cover future
18 uninsured material losses caused by the death.

19 * * *

20 Sec. 19. 13 V.S.A. § 7554c is amended to read:

21 § 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

(a)(1) The objective of a pretrial needs screening is to obtain a preliminary indication of whether a person has a substantial substance abuse or mental health issue that would warrant a subsequent court order for a more detailed clinical assessment.

* * *

(e)(1) Information obtained from the person during the risk assessment or needs screening shall be exempt from public inspection and copying under the Public Records Act and, except as provided in subdivision (2) of this subsection, only may be used for determining bail, conditions of release, and appropriate programming for the person in the pending case. The information a pretrial services coordinator may report is limited to whether a risk assessment indicates risk of nonappearance, whether further substance use assessment or treatment is indicated, whether mental health assessment or treatment is indicated, whether a person participated in a clinical assessment, and whether further engagement with pretrial services is recommended, unless the person provides written permission to release additional information. Information related to the present offense directly or indirectly derived from the risk assessment, needs screening, or other conversation with the pretrial services coordinator shall not be used against the person in the person's criminal or juvenile case for any purpose, including impeachment or cross-examination. However, the fact of participation or nonparticipation in risk

1 assessment or needs screening may be used in subsequent proceedings. The
2 immunity provisions of this subsection apply only to the use and derivative use
3 of information gained as a proximate result of the risk assessment, needs
4 screening, or other conversation with the pretrial services coordinator.

5 (2) The person shall retain all of ~~his or her~~ the person's due process
6 rights throughout the risk assessment and needs screening process and may
7 release ~~his or her~~ the person's records at ~~his or her~~ the person's discretion.

8 (3) All records of information obtained during risk assessment or needs
9 screening shall be stored in a manner making them accessible only to the
10 Director of Pretrial Services and pretrial service coordinators for a period of
11 ~~three~~ two years, after which the records shall be maintained as required by 3
12 V.S.A. §§ 117 and 218 and any other State law. The Director of Pretrial
13 Services shall be responsible for the destruction of records when ordered by
14 the court.

15 * * *

16 Sec. 20. REPEALS; SPENDTHRIFT GUARDIANSHIPS

17 14 V.S.A. §§ 2681 (spendthrift, defined), 2684 (spendthrift; hearing;
18 notice), 2685 (decree; appeal), 2687 (expense of resisting application), 2690
19 (guardian to give notice that ward's contracts and transfers will be void), 2691
20 (spouse to support and have custody), 2692 (extent of guardian's control), and
21 2693 (married woman may be guardian) are repealed.

1 Sec. 21. 14A V.S.A. § 505 is amended to read:

2 § 505. CREDITOR’S CLAIM AGAINST SETTLOR

3 * * *

4 (c)(1) Property held by spouses as tenants by the entirety that is conveyed
5 to the spouses’ jointly or separately held revocable or irrevocable trusts, and
6 any proceeds of the sale or disposition of the property, shall be immune from
7 the claims of the spouses’ separate creditors to the same extent as the property
8 would have been if it had remained held by the spouses as tenants by the
9 entirety if the following apply:

10 * * *

11 (3) Except as otherwise provided in this title, on April 24, 2025:

12 (A) notwithstanding 1 V.S.A. § 214, this subsection (c) applies to all
13 trusts created before, on, or after April 24, 2025, and to property held by
14 spouses as tenants by the entirety that is conveyed before, on, or after April 24,
15 2025; and

16 (B) this subsection (c) applies to all judicial proceedings concerning
17 trusts commenced on or after April 24, 2025.

18 Sec. 22. 15 V.S.A. § 603(h) is amended to read:

19 (h) Order upon finding of contempt. Upon a finding of contempt, the court
20 shall determine appropriate sanctions to obtain compliance with the court
21 order. The court may order any of the following:

* * *

(4) Incarceration of the person unless ~~he or she~~ the person complies with purge conditions established by the court. A court may order payment of all or a portion of the unpaid financial obligation as a purge condition, providing that the court finds that the person has the present ability to pay the amount ordered and sets a date certain for payment. If the purge conditions are not met by the date established by the court and the date set for payment is within 30 days of finding of ability to pay, the court may issue a mittimus placing the contemnor in the custody of the Commissioner of Corrections.

(A) As long as the person remains in the custody of the Commissioner of Corrections, the court shall schedule the case for a review hearing every ~~15~~ 14 days.

* * *

Sec. 23. 15 V.S.A. § 1085 is amended to read:

§ 1085. REGISTRATION OF CHILD CUSTODY DETERMINATION

* * *

(b) On receipt of the documents required by subsection (a) of this section, the Family Division of the Superior Court shall:

~~(1) send the certified copy of the determination to the Court Administrator who shall file it as a foreign judgment; and~~

(c) The notice required by ~~subdivision (b)(2)~~ subsection (b) of this section shall state that:

(2) a hearing to contest the validity of the registered determination must be requested within 20 days after service of notice; and

* * *

§ 4230f. DISPENSING CANNABIS TO A PERSON UNDER 21 YEARS

* * *

VT LEG #387314 v.1

(2) A person who is 18, 19, or 20 years of age who knowingly dispenses cannabis to a person who is 18, 19, or 20 years of age commits a civil violation and shall be referred to the Court Diversion Program for the purpose of enrollment in the Youth Substance Awareness Safety Program in accordance with the provisions of ~~section 4230b of this title~~ 7 V.S.A. § 656 and shall be subject to the penalties in ~~that section~~ 7 V.S.A. § 656(b)(2) for failure to complete the program successfully.

Sec. 25. 18 V.S.A. § 4234 is amended to read:

(c) Possession of buprenorphine by a person under 21 years of age.

1 Sec. 26. 27 V.S.A. § 2 is amended to read:

2 § 2. ESTATE IN COMMON PREFERRED TO JOINT TENANCY; JOINT
3 TENANCY WITH UNEQUAL SHARES

4 (a) Conveyances and devises of lands, whether for years, for life or in fee,
5 made to two or more persons, shall be construed to create estates in common
6 and not in joint tenancy, unless it is expressed ~~therein~~ in either the grant clause
7 or the habendum clause of the instrument transferring title that the grantees or
8 devisees shall take the lands jointly or as joint tenants or in joint tenancy or to
9 them and the survivors of them. ~~This provision~~ The requirement to specify a
10 tenancy shall not apply to devises or conveyances made in trust or made to
11 spouses or to conveyances in which it manifestly appears from the tenor of the
12 instrument that it was intended to create an estate in joint tenancy. A
13 conveyance to two or more persons as joint tenants, joint tenants with rights of
14 survivorship or to them and the survivors of them that also includes the
15 grantees heirs and assigns shall not be construed to create an estate in common.

16 * * *

17 Sec. 27. RETROACTIVE APPLICATION

18 Notwithstanding 1 V.S.A. § 214, Sec. 26 of this act shall apply retroactively
19 to an estate whenever created, except that it shall not affect a suit begun or
20 pending as of July 1, 2026.

1 Sec. 28. 28 V.S.A. § 304 is amended to read:

2 § 304. ASSIGNMENT OF LEASE TO BE BY DEED

3 The assignment of a lease of lands, if the lease is for a longer term than one
4 year, shall be by deed, signed, ~~sealed, witnessed,~~ acknowledged, and recorded
5 as provided for deeds in this chapter. An assignment otherwise executed shall
6 be void as against all persons but the assignor, ~~his or her~~ the assignor's heirs,
7 or ~~his or her~~ the assignor's devisees.

8 Sec. 29. 27 V.S.A. § 1101 is amended to read:

9 § 1101. FINDER TO GIVE NOTICE

10 A person who finds money or goods, to the value of ~~\$3.00~~ \$50.00 or more,
11 or takes up a stray beast, the owner of which is not known, shall, within six
12 days thereafter, make two notices, describing such money, goods, or beast,
13 with the natural or artificial marks, with the time and place of finding or taking
14 up the same, and post them in two public places in the town in which such
15 property was found.

16 Sec. 30. 33 V.S.A. § 6936(c) is amended to read:

17 (c) In addition to the information required under subsection 6935(b) of this
18 title, every order issued under this section shall state upon its face a date, time,
19 and place when the defendant may appear to petition the court for modification
20 or discharge of the order. When service of the temporary order cannot be
21 made before the scheduled hearing, the court shall continue the hearing and

1 extend the terms of any temporary order upon request of the plaintiff for such
2 additional time as it deems necessary to achieve service on the defendant. The
3 defendant's opportunity to contest shall be scheduled as soon as reasonably
4 possible, but in no event later than ~~10~~ 14 days from the date of issuance of the
5 order.

6 Sec. 31. EFFECTIVE DATE

7 This act shall take effect on passage, except that Sec. 4 shall take effect on
8 July 1, 2026.