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H.731

Introduced by Representatives Headrick of Burlington, Andrews of Westford,
Bluemle of Burlington, Bos-Lun of Westminster, Burke of
Brattleboro, Burrows of West Windsor, Casey of Montpelier,
Chapin of East Montpelier, Christie of Hartford, Cina of
Burlington, Cole of Hartford, Cordes of Lincoln, Elder of
Starksboro, Farlice-Rubio of Barnet, Garofano of Essex,
LaBounty of Lyndon, Leavitt of Grand Isle, Logan of
Burlington, McCann of Montpelier, McGill of Bridport, Minier
of South Burlington, Morris of Springfield, Mulvaney-Stanak of
Burlington, Pouech of Hinesburg, Priestley of Bradford,
Rachelson of Burlington, Rice of Dorset, Small of Winooski,
Stebbins of Burlington, Stone of Burlington, and Surprenant of
Barnard

Referred to Committee on

Date:

Subject: Juvenile proceedings; Family Division jurisdiction

Statement of purpose of bill as introduced: This bill proposes to require that
all cases alleging criminal violations by youths under 18 years of age start in
the Family Division of the Superior Court, including alleged violations of
Big 12 offenses.

1 An act relating to Family Division jurisdiction in juvenile proceedings

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

3 Sec. 1. 33 V.S.A. § 5201 is amended to read:

4 § 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

5 * * *

6 (c)(1) Any proceeding concerning a child who is alleged to have committed
7 an act specified in subsection 5204(a) of this title after attaining ~~14~~ 18 years of
8 age, but not 22 years of age, shall originate in the Criminal Division of the
9 Superior Court, provided that jurisdiction may be transferred in accordance
10 with this chapter and chapter 52A of this title, unless the State's Attorney files
11 the charge directly as a youthful offender petition in the Family Division.

12 (2)(A) Any proceeding concerning a child who is alleged to have
13 committed one of the following acts after attaining ~~14~~ 18 years of age, but not
14 22 years of age, shall originate in the Criminal Division of the Superior Court,
15 provided that jurisdiction may be transferred in accordance with this chapter
16 and chapter 52A of this title, unless the State's Attorney files the charge
17 directly as a youthful offender petition in the Family Division:

18 (i) a violation of a condition of release as defined in 13 V.S.A.
19 § 7559 imposed by the Criminal Division for any of the offenses listed in
20 subsection 5204(a) of this title; or

1 (ii) a violation of a condition of release as defined in 13 V.S.A.
2 § 7559 imposed by the Criminal Division for an offense that was transferred
3 from the Family Division pursuant to section 5204 of this title.

4 * * *

5 Sec. 2. 33 V.S.A. § 5203 is amended to read:

6 § 5203. TRANSFER FROM OTHER COURTS

7 * * *

8 (c)(1) If it appears to the State’s Attorney that the defendant was under
9 19 years of age at the time the felony offense charged was alleged to have been
10 committed and the felony charged is not an offense specified in subsection
11 5204(a) of this title, the State’s Attorney shall file charges in the Family
12 Division of the Superior Court, pursuant to section 5201 of this title. The
13 Family Division may transfer the proceeding to the Criminal Division pursuant
14 to section 5204 of this title.

15 (2) If it appears to the State’s Attorney that the defendant was under
16 18 years of age at the time the felony offense charged was alleged to have been
17 committed and the felony charged is an offense specified in subsection 5204(a)
18 of this title, the State’s Attorney shall file charges in the Family Division of the
19 Superior Court, pursuant to section 5201 of this title. The Family Division
20 may transfer the proceeding to the Criminal Division pursuant to section 5204
21 of this title.

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Sec. 3. 33 V.S.A. § 5204 is amended to read:

§ 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
COURT

(a) After a petition has been filed alleging delinquency, upon motion of the State’s Attorney and after hearing, the Family Division of the Superior Court may transfer jurisdiction of the proceeding to the Criminal Division of the Superior Court if the child had attained 16 years of age but not 19 years of age at the time the act was alleged to have occurred and the delinquent act set forth in the petition is a felony not specified in subdivisions (1)–(12) of this subsection or if the child had attained 12 years of age but not ~~14~~ 18 years of age at the time the act was alleged to have occurred, and if the delinquent act set forth in the petition was any of the following:

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.