

1 H.878

2 Introduced by Committee on Judiciary

3 Date:

4 Subject: Court procedure; criminal procedure; miscellaneous amendments

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

8 An act relating to miscellaneous judiciary procedures

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

10 Sec. 1. 4 V.S.A. § 41 is added to read:

11 § 41. COURT SECURITY OFFICERS

12 (a) Authorization. The Court Administrator shall define the scope of duties
13 for Judiciary-employed Court Security Officers. The Court Administrator shall
14 have direct authority over Judiciary-employed Court Security Officers and may
15 authorize them to perform judicial security officer functions necessary for the
16 performance of their duties.

17 (b) Training. The Court Administrator shall develop a training program
18 pursuant to appropriate training standards to perform judicial security officer
19 functions. The Court Administrator shall establish a use of force policy based
20 on State standards.

1 (c) Training; equipment. At the direction of the Court Administrator and
2 with the approval of the Court Security and Safety Program Manager,
3 Judiciary-employed Court Security Officers shall be provided with training and
4 equipment necessary for the performance of their duties. Equipment provided
5 pursuant to this subsection shall remain the property of the Judiciary.

6 (d) Coordination of Judiciary security. Judiciary-employed Court Security
7 Officers shall provide security at court properties and at other court-related
8 functions for the Vermont Judiciary at the direction of the Court Administrator.

9 (e) Construction. This section shall not be construed to limit the Court
10 Administrator's authority to hire additional court security personnel, including
11 private security guards and County Sheriffs.

12 Sec. 2. 4 V.S.A. § 355 is amended to read:

13 § 355. DISQUALIFICATION OR DISABILITY OF JUDGE

14 When a Probate judge is incapacitated for the duties of office by absence,
15 removal from the district, resignation, sickness, death, or otherwise or if the
16 judge or the judge's spouse or child is heir or legatee under a will filed in the
17 judge's district, or if the judge is executor or administrator of the estate of a
18 deceased person in ~~his or her~~ the judge's district, or is interested as a creditor or
19 otherwise in a question to be decided by the court, ~~he or she~~ the judge shall not
20 act as judge. ~~The judge's duties shall be performed by a Superior judge~~
21 ~~assigned by the presiding judge of the unit.~~

1 Sec. 3. 4 V.S.A. § 1102 is amended to read:

2 § 1102. JUDICIAL BUREAU; JURISDICTION

3 * * *

4 (b) The Judicial Bureau shall have jurisdiction of the following matters:

5 * * *

6 (4) Violations of 7 V.S.A. § ~~1005(a)~~ 1005, relating to possession of
7 tobacco products by a person under 21 years of age.

8 * * *

9 Sec. 4. 12 V.S.A. § 1913(b) is amended to read:

10 (b) ~~Authentication, admissibility, and presumptions.~~

11 (1) A digital record electronically registered in a blockchain shall be self-
12 authenticating pursuant to Vermont Rule of Evidence 902, if it is accompanied
13 by a written declaration of a qualified person, made under oath, stating the
14 qualification of the person to make the certification and:

15 (A) the date and time the record entered the blockchain;

16 (B) the date and time the record was received from the blockchain;

17 (C) that the record was maintained in the blockchain as a regular
18 conducted activity; and

19 (D) that the record was made by the regularly conducted activity as a
20 regular practice.

21 * * *

1 Sec. 5. 12 V.S.A. § 3087 is amended to read:

2 § 3087. ~~RECOGNIZANCE FOR TRUSTEE'S COSTS~~

3 ~~The plaintiff in a trustee process shall give security for costs to the trustee by~~
4 ~~way of recognizance by some person other than the plaintiff. The security shall~~
5 ~~be in the sum of \$50.00 for a summons returnable to a Superior Court. If trustee~~
6 ~~process issues without a minute of the recognizance, with the name of the~~
7 ~~surety and the sum in which he or she is bound, signed by the clerk thereon, the~~
8 ~~trustee shall be discharged. [Repealed.]~~

9 Sec. 6. 13 V.S.A. § 3281 is amended to read:

10 § 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

11 (a) Short title. This section may be cited as the "Bill of Rights for Sexual
12 Assault Survivors."

13 (b) Definition. As used in this section, "sexual assault survivor" means a
14 person who is a victim of an alleged sexual offense.

15 (c) Survivors' rights. When a sexual assault survivor makes a verbal or
16 written report to a law enforcement officer, emergency department, sexual
17 assault nurse examiner, or victim's advocate of an alleged sexual offense, the
18 recipient of the report shall provide written notification to the survivor that ~~he~~
19 ~~or she~~ the survivor has the following rights:

20 (1) The right to receive a medical forensic examination and any related
21 toxicology testing at no cost to the survivor in accordance with 32 V.S.A.

1 § 1407, irrespective of whether the survivor reports to or cooperates with law
2 enforcement. If the survivor opts to have a medical forensic examination, ~~he or~~
3 ~~she~~ the survivor shall have the following additional rights:

4 (A) the right to have the medical forensic examination kit or its
5 probative contents delivered to a forensics laboratory within 72 hours of
6 collection;

7 (B) the right to have the sexual assault evidence collection kit or its
8 probative contents preserved without charge for the duration of the maximum
9 applicable statute of limitations;

10 (C) the right to be informed in writing of all policies governing the
11 collection, storage, preservation, and disposal of a sexual assault evidence
12 collection kit;

13 (D) the right to be informed of a DNA profile match on a kit reported
14 to law enforcement or on a confidential kit, on a toxicology report, or on a
15 medical record documenting a medical forensic examination, if the disclosure
16 would not impede or compromise an ongoing investigation; ~~and~~

17 (E) the right to be informed of the status and location of the sexual
18 assault evidence collection kit; and

19 (F) upon written request from the survivor, the right to:

1 (i) receive written notification from the appropriate official with
2 custody not later than 60 days before the date of the kit's intended destruction
3 or disposal; and

4 (ii) be granted further preservation of the kit or its probative
5 contents.

6 (2) The right to consult with a sexual assault advocate.

7 (3) The right to information concerning the availability of protective
8 orders and policies related to the enforcement of protective orders.

9 (4) The right to information about the availability of, and eligibility for,
10 victim compensation and restitution.

11 (5) The right to information about confidentiality.

12 (d) Notification protocols. The Vermont Network Against Domestic and
13 Sexual Violence and the Sexual Assault Nurse Examiner Program, in
14 consultation with other parties referred to in this section, shall develop
15 protocols and written materials to assist all responsible entities in providing
16 notification to victims.

17 Sec. 7. 13 V.S.A. § 3401 is amended to read:

18 § 3401. DEFINITION AND PUNISHMENT OF TREASON

19 A person owing allegiance to this State, who levies war or conspires to levy
20 war against the same, or adheres to the enemies thereof, giving them aid and
21 comfort, within the State or elsewhere, shall be guilty of treason against this

1 State and shall ~~suffer the punishment of death~~ be imprisoned for not less than
2 25 years with a maximum term of life and, in addition, may be fined not more
3 than \$50,000.00.

4 Sec. 8. REPEALS

5 The following sections are repealed: 13 V.S.A. § 7101 (sentence and
6 warrant); 13 V.S.A. § 7102 (pardon); 13 V.S.A. § 7103 (place of execution);
7 13 V.S.A. § 7104 (manner of confinement); 13 V.S.A. § 7105 (persons present
8 at execution); 13 V.S.A. § 7106 (manner of execution); and 13 V.S.A. § 7107
9 (returns of Commissioner).

10 Sec. 9. 13 V.S.A. § 4056 is amended to read:

11 § 4056. SERVICE

12 (a) A petition, ex parte temporary order, or final order issued under this
13 subchapter shall be served in accordance with the Vermont Rules of Civil
14 Procedure and may be served by any law enforcement officer. A court that
15 issues an order under this chapter during court hours shall promptly transmit
16 the order electronically or by other means to a law enforcement agency for
17 service, and shall deliver a copy to the holding station.

18 (b) A respondent who attends a hearing held under section 4053, 4054, or
19 4055 of this title at which a temporary or final order under this subchapter is
20 issued and who receives notice from the court on the record that the order has
21 been issued shall be deemed to have been served. A respondent notified by the

1 court on the record shall be required to adhere immediately to the provisions of
2 the order. ~~However, even when the court has previously notified the~~
3 ~~respondent of the order, the court shall transmit the order for additional service~~
4 ~~by a law enforcement agency.~~ The clerk shall mail a copy of the order to the
5 respondent at the respondent's last known address.

6 * * *

7 Sec. 10. 13 V.S.A. § 4814 is amended to read:

8 § 4814. ORDER FOR EXAMINATION OF COMPETENCY

9 * * *

10 (d) Notwithstanding any other provision of law, an examination ordered
11 pursuant to subsection (a) of this section may be conducted by a doctoral-level
12 psychologist trained in forensic psychology and licensed under 26 V.S.A.
13 chapter 55. ~~This subsection shall be repealed on July 1, 2024.~~

14 * * *

15 Sec. 11. 13 V.S.A. § 4816 is amended to read:

16 § 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

17 * * *

18 (e) The relevant portion of a psychiatrist's report or of a report conducted
19 pursuant to subsection 4814(d) of this title by a doctoral-level psychologist
20 trained in forensic psychology shall be admitted into evidence as an exhibit on
21 the issue of the person's mental competency to stand trial and the opinion shall

1 be conclusive on the issue if agreed to by the parties and if found by the court
2 to be relevant and probative on the issue.

3 * * *

4 Sec. 12. 13 V.S.A. § 7282(c) is amended to read:

5 (c) SIU surcharge. In addition to any penalty or fine imposed by the court
6 ~~or Judicial Bureau~~ for a criminal offense committed after July 1, 2009, the clerk
7 of the court ~~or Judicial Bureau~~ shall levy an additional surcharge of \$100.00 to
8 be deposited in the General Fund, in support of the Specialized Investigative
9 Unit Grants Board created in 24 V.S.A. § 1940(c), and used to pay for the costs
10 of Specialized Investigative Units.

11 Sec. 13. 13 V.S.A. § 7554c(e)(3) is amended to read:

12 (3) All records of information obtained during risk assessment or needs
13 screening shall be stored in a manner making them accessible only to the
14 Director of Pretrial Services and pretrial service coordinators for a period of
15 three years, after which the records shall be maintained as required by ~~sections~~
16 ~~117 and 218 of this title~~ 3 V.S.A. §§ 117 and 218 and any other State law. The
17 Director of Pretrial Services shall be responsible for the destruction of records
18 when ordered by the court.

19 Sec. 14. 14 V.S.A. § 4020 is amended to read:

20 § 4020. LIABILITY FOR REFUSAL TO ACCEPT ACKNOWLEDGED

21 ~~STATUTORY FORM~~ POWER OF ATTORNEY

1 (a) ~~As used in this section, “statutory form power of attorney” means a~~
2 ~~power of attorney substantially in the form provided in section 4051 or 4052 of~~
3 ~~this title or that meets the requirements for a military power of attorney~~
4 ~~pursuant to 10 U.S.C. § 1044b, as amended.~~

5 (b) Except as otherwise provided in subsection ~~(e)~~(b) of this section:

6 (1) a person shall either accept an acknowledged ~~statutory form~~ power of
7 attorney or request a certification, a translation, or an opinion of counsel under
8 subsection 4019(d) of this title not later than seven business days after
9 presentation of the power of attorney for acceptance;

10 (2) if a person requests a certification, a translation, or an opinion of
11 counsel under subsection 4019(d) of this title, the person shall accept the
12 ~~statutory form~~ power of attorney not later than five business days after receipt
13 of the certification, translation, or opinion of counsel; and

14 (3) a person may not require an additional or different form of power of
15 attorney for authority granted in the ~~statutory form~~ power of attorney presented.

16 ~~(e)~~(b) A person is not required to accept an acknowledged ~~statutory form~~
17 power of attorney if:

18 (1) the person is not otherwise required to engage in a transaction with
19 the principal in the same circumstances;

20 (2) engaging in a transaction with the agent or the principal in the same
21 circumstances would be inconsistent with federal or state law;

1 (3) the person has actual knowledge of the termination of the agent's
2 authority or of the power of attorney before exercise of the power;

3 (4) a request for a certification, a translation, or an opinion of counsel
4 under subsection 4019(d) of this title is refused;

5 (5) the person in good faith believes that the power is not valid or that
6 the agent does not have the authority to perform the act requested, whether or
7 not a certification, a translation, or an opinion of counsel under subsection
8 4019(d) of this title has been requested or provided; or

9 (6) the person makes, or has actual knowledge that another person has
10 made, a report to the Adult Protective Services program or other appropriate
11 entity within the Department of Disabilities, Aging, and Independent Living or
12 to a law enforcement agency stating a good faith belief that the principal may
13 be subject to physical or financial abuse, neglect, exploitation, or abandonment
14 by the agent or a person acting for or with the agent.

15 ~~(d)~~(c) A person who refuses in violation of this section to accept an
16 acknowledged ~~statutory form~~ power of attorney is subject to:

17 (1) a court order mandating acceptance of the power of attorney; and

18 (2) liability for reasonable attorney's fees and costs incurred in any
19 action or proceeding that confirms the validity of the power of attorney or
20 mandates acceptance of the power of attorney.

1 Sec. 15. 14 V.S.A. § 4047 is amended to read:

2 § 4047. GIFTS

3 * * *

4 (b) An agent may make a gift of the principal's property only as the agent
5 determines is consistent with the principal's objectives if actually known by the
6 agent or, if unknown, as the agent determines is consistent with the principal's
7 best interests based on all relevant factors, including:

8 (1) evidence of the principal's intent;

9 (2) the principal's personal history of making or joining in the making of
10 lifetime gifts;

11 (3) the principal's estate plan;

12 (4) the principal's foreseeable obligations and maintenance needs and the
13 impact of the proposed gift on the principal's housing options, access to care
14 and services, and general welfare;

15 (5) the income, gift, estate, or inheritance tax consequences of the
16 transaction; and

17 (6) whether the proposed gift creates a foreseeable risk that the principal
18 will be deprived of sufficient assets to cover the principal's needs during any
19 period of Medicaid ineligibility that would result from the proposed gift.

20 ~~(c) An agent may make a gift of the principal's property only as the agent~~
21 ~~determines is consistent with the principal's objectives if actually known by the~~

1 ~~agent and, if unknown, as the agent determines is consistent with the principal's~~
2 ~~best interests based on all relevant factors, including:~~

3 ~~(1) the value and nature of the principal's property;~~

4 ~~(2) the principal's foreseeable obligations and need for maintenance;~~

5 ~~(3) minimization of taxes, including income, estate, inheritance,~~
6 ~~generation skipping transfer, and gift taxes;~~

7 ~~(4) eligibility for a benefit, a program, or assistance under a statute or~~
8 ~~regulation; and~~

9 ~~(5) the principal's personal history of making or joining in making gifts.~~

10 [Repealed.]

11 Sec. 16. 14 V.S.A. § 4051 is amended to read:

12 § 4051. STATUTORY FORM POWER OF ATTORNEY

13 A document substantially in the following form may be used to create a
14 statutory form power of attorney that has the meaning and effect prescribed by
15 this chapter.

16 VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT
17 INFORMATION

18 This power of attorney authorizes another person (your agent) to make
19 decisions concerning your property for you (the principal). Your agent will be
20 able to make decisions and act with respect to your property (including your
21 money) whether or not you are able to act for yourself. The meaning of

1 authority over subjects listed on this form is explained in the Vermont Uniform
2 Power of Attorney Act, 14 V.S.A. chapter 127.

3 This power of attorney does not authorize the agent to make health-care
4 decisions for you.

5 You should select someone you trust to serve as your agent. Unless you
6 specify otherwise, generally the agent's authority will continue until you die or
7 revoke the power of attorney or the agent resigns or is unable to act for you.
8 Your agent is entitled to reasonable compensation unless you state otherwise in
9 the Special Instructions.

10 This form does not revoke powers of attorney previously executed by you
11 unless you initial the introductory paragraph under DESIGNATION OF
12 AGENT that all previous powers of attorney are revoked.

13 This form provides for designation of one agent. If you wish to name more
14 than one agent, you may name a coagent in the Special Instructions. Coagents
15 are not required to act together unless you include that requirement in the
16 Special Instructions.

17 If your agent is unable or unwilling to act for you, your power of attorney
18 will end unless you have named a successor agent. You may also name a
19 second successor agent.

20 This power of attorney becomes effective immediately unless you state
21 otherwise in the Special Instructions.

1 GRANT OF GENERAL AUTHORITY

2 I grant my agent and any successor agent general authority to act for me
3 with respect to the following subjects as defined in the Vermont Uniform
4 Power of Attorney Act, 14 V.S.A. chapter 127, together with the incidental
5 powers enumerated in section 4033 of that chapter.

6 (~~INITIAL STRIKE THROUGH~~ each subject you DO NOT want to include
7 in the agent's general authority. ~~If you wish to grant general authority over all~~
8 ~~of the subjects, you may initial "All Preceding Subjects" instead of initialing~~
9 ~~each subject.~~)

10 (↔ Real Property

11 ↔ Tangible Personal Property

12 ↔ Stocks and Bonds

13 ↔ Commodities and Options

14 ↔ Banks and Other Financial Institutions

15 ↔ Operation of Entity or Business

16 ↔ Insurance and Annuities

17 ↔ Estates, Trusts, and Other Beneficial Interests

18 ↔ Claims and Litigation

19 ↔ Personal and Family Maintenance

20 ↔ Benefits from Governmental Programs or Civil or Military Service

21 ↔ Retirement Plans

- 1 () Consent to the modification or termination of a noncharitable irrevocable
2 trust under 14A V.S.A. § 411
- 3 () Create, amend, or change a beneficiary designation
- 4 () Waive the principal’s right to be a beneficiary of a joint and survivor
5 annuity, including a survivor benefit under a retirement plan
- 6 () Exercise fiduciary powers that the principal has authority to delegate
- 7 () Authorize another person to exercise the authority granted under this
8 power of attorney
- 9 () Disclaim or refuse an interest in property, including a power of
10 appointment
- 11 () Exercise authority with respect to elective share under 14 V.S.A. § 319
- 12 () Exercise waiver rights under 14 V.S.A. § 323
- 13 () Exercise authority over the content and catalogue of electronic
14 communications and digital assets under 14 V.S.A. chapter 125 (Vermont
15 Revised Uniform Fiduciary Access to Digital Assets Act)
- 16 () Exercise authority with respect to intellectual property, including, without
17 limitation, copyrights, contracts for payment of royalties, and trademarks
- 18 () Convey, or revoke or revise a grantee designation, by enhanced life estate
19 deed pursuant to 27 V.S.A. chapter 6 of ~~Title 27~~ or under common law.

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LIMITATION ON AGENT’S AUTHORITY

An agent who is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

WHEN POWER OF ATTORNEY EFFECTIVE

This power of attorney becomes effective when executed unless the principal has initialed one of the following:

() This power of attorney is effective only upon my later incapacity. OR

() This power of attorney is effective only upon my later incapacity or unavailability. OR

() I direct that this power of attorney shall become effective when one or more of the following occurs:

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EFFECTIVE DATE

This power of attorney is effective immediately unless I have indicated or stated otherwise in the section above entitled When Power of Attorney Effective or in the section below entitled Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

~~EFFECTIVE DATE~~

~~This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.~~

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my estate or a guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for [conservator or guardian] of my estate: _____
Nominee's Address: _____

1 Nominee's Telephone Number: _____

2 Name of Nominee for guardian of my person: _____

3 Nominee's Address: _____

4 Nominee's Telephone Number: _____

5 RELIANCE ON THIS POWER OF ATTORNEY

6 Any person, including my agent, may rely upon the validity of this power of

7 attorney or a copy of it unless that person knows it has terminated or is invalid.

8 Unless expressly stated otherwise, this power of attorney is durable and shall

9 remain valid if I become incapacitated or unavailable.

10 SIGNATURE AND ACKNOWLEDGMENT

11 Your Name Printed: _____

12 Your Address: _____

13 Your Telephone Number: _____

14 State of: _____

15 County of: _____

16 This document was acknowledged before me on: _____ (Date)

17 by _____ . (Name of Principal)

18 (Seal, if any): _____

19 Signature of Notary: _____

20 My commission expires: _____

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IMPORTANT INFORMATION FOR AGENT

Agent’s Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

(1) do what you know the principal reasonably expects you to do with the principal’s property or, if you do not know the principal’s expectations, act in the principal’s best interests;

(2) act in good faith;

(3) do nothing beyond the authority granted in this power of attorney;

and

(4) disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as “agent” in the following manner: (Principal’s Name) by (Your Signature) as Agent.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

(1) act loyally for the principal’s benefit;

(2) avoid conflicts that would impair your ability to act in the principal’s best interest;

1 Instructions in this power of attorney state that such an action will not terminate
2 your authority.

3 Liability of Agent

4 The meaning of the authority granted to you is defined in the Vermont
5 Uniform Power of Attorney Act, 14 V.S.A. chapter 127. If you violate the
6 Vermont Uniform Power of Attorney Act, or act outside the authority granted,
7 you may be liable for any damages caused by your violation. In addition to
8 civil liability, failure to comply with your duties and authority granted under
9 this document could subject you to criminal prosecution.

10 If there is anything about this document or your duties that you do not
11 understand, you should seek legal advice.

12 Sec. 17. 14 V.S.A. § 4052 is amended to read:

13 § 4052. STATUTORY SHORT FORM POWER OF ATTORNEY FOR

14 REAL ESTATE TRANSACTIONS

15 (a) A document substantially in the following form may be used to create a
16 statutory form power of attorney for a real estate transaction that has the
17 meaning and effect prescribed by this chapter. Nothing in this section shall
18 prohibit a principal from using this form to grant other powers to an agent with
19 respect to real property consistent with section 4034 of this title.

1 VERMONT STATUTORY FORM POWER OF ATTORNEY IMPORTANT
2 INFORMATION

3 This power of attorney authorizes another person (your agent) to take
4 actions for you (the principal) in connection with a real estate transaction (sale,
5 purchase, mortgage, or gift). Your agent will be able to make decisions and act
6 with respect to a specific parcel of land whether or not you are able to act for
7 yourself. The meaning of authority over subjects listed on this form is
8 explained in the Vermont Uniform Power of Attorney Act, 14 V.S.A. chapter
9 127.

10 DESIGNATION OF AGENT

11 I/we _____ and _____

12 (Name(s) of Principal) appoint the following person as my (our) agent:

13 Name of Agent: _____

14 Name of ~~Alternate~~ Successor Agent: _____

15 Address of Property that is the subject of this power of attorney

16 (Street): _____, (Municipality)

17 _____, Vermont.

18 ~~Transaction for which the power of attorney is given~~ STRIKE THROUGH

19 each type of transaction for which the power of attorney is not given:

20 Sale

21 Purchase or Acquisition

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CHOICE OF LAW

This power of attorney and the effect hereof shall be determined by the application of Vermont law and the Vermont Uniform Power of Attorney Act.

SIGNATURE AND ACKNOWLEDGMENT

Your Name Printed

Your Address

Your Telephone Number

State of _____

County of _____

This document was acknowledged before me on _____ (Date)

by _____

(Name of Principal)

_____ (Seal, if any)

Signature of Notary _____

My Commission expires: _____

(b) A power of attorney in the form above confers on the agent the powers provided in subdivisions 4034(2), (3), and (4) of this chapter.

1 Sec. 18. 27 V.S.A. § 305 is amended to read:

2 § 305. CONVEYANCES EFFECTED THROUGH POWER OF ATTORNEY

3 (a) A deed or other conveyance of lands or of an estate or interest therein,
4 made by virtue of a power of attorney, shall not be of any effect or admissible
5 in evidence unless the power of attorney is signed, ~~witnessed by one or more~~
6 ~~witnesses~~, acknowledged, and recorded in the office where the deed is required
7 to be recorded.

8 * * *

9 Sec. 19. 27 V.S.A. § 657 is amended to read:

10 § 657. EXECUTION BY GUARDIAN; USE OF POWER OF ATTORNEY

11 (a) With the approval of the Probate Division, a guardian may convey the
12 real property of a person under guardianship by an ELE deed.

13 (b) An ELE deed may be executed by an agent under a power of attorney if
14 the power of attorney complies with the ~~requirements of 14 V.S.A. chapter 123~~
15 following, including any applicable gifting and self-dealing provisions:

16 (1) 14 V.S.A. chapter 123, if the ELE deed was executed before July 1,
17 2023; or

18 (2) 14 V.S.A. chapter 127, if the ELE deed was executed on or after July
19 1, 2023.

1 Sec. 20. 15 V.S.A. § 293 is amended to read:

2 § 293. WHEN PARENTS LIVE SEPARATELY

3 (a) When parents of minor children, or parents and stepparents of minor
4 children, whether said parents are married or unmarried, are living separately,
5 on the complaint of either parent or stepparent or, if it is a party in interest, the
6 Department for Children and Families, the Family Division of the Superior
7 Court may make such decree concerning parental rights and responsibilities and
8 parent-child contact (as defined in section 664 of this title), and the support of
9 the children, as in cases where either parent deserts or without just cause fails to
10 support the children. Thereafter on the motion of either of the parents, the
11 stepparent, or the Department for Children and Families, the court may annul,
12 vary, or modify the decrees.

13 (b) Any legal presumption of parentage as set forth in ~~section 308 of this~~
14 title 15C V.S.A. § 401 or an unrescinded acknowledgment of parentage signed
15 by the parties and executed in accordance with 15C V.S.A. § 301 shall be
16 sufficient basis for initiating a support action under this section without any
17 further proceedings to establish parentage. ~~If a party raises an objection to the~~
18 ~~presumption, the court may determine the issue of parentage as part of the~~
19 ~~support action. If no written objection to the presumption is raised, an order~~
20 ~~under this section shall constitute a judgment on the issue of parentage.~~

1 Sec. 21. REPEAL

2 15 V.S.A. § 294 (man in the house) is repealed.

3 Sec. 22. 15 V.S.A. § 295 is amended to read:

4 § 295. ~~SUBSTITUTE HUSBAND AND FATHER~~ SERVICE OF
5 COMPLAINT

6 When a complaint is made under section ~~292, 293 or 294~~ of this title, a
7 summons shall be issued to the other party directing ~~him to cause his~~
8 ~~appearance therein to be entered~~ such person to appear not later than 21 days
9 after the date of the service ~~thereof~~ and show cause why ~~the prayer of the~~
10 complaint should not be granted, ~~which~~. The summons and ~~the~~ complaint shall
11 be served on ~~such~~ the party as provided by ~~section 596 or by section 597 of this~~
12 ~~title~~ Rule 4.0 of the Vermont Rules for Family Proceedings. After the filing of
13 ~~such~~ the complaint, the Superior Court in which the cause is pending, or any
14 Superior judge, may, on application of either party make such order concerning
15 the care and custody of the minor children during the pendency of the
16 complaint, as is deemed expedient and for the benefit of such children.

17 Sec. 23. 15 V.S.A. § 780(7) is amended to read:

18 (7) “Support order” means any judgment, order, or contract for support
19 enforceable in this ~~state~~ State, including, ~~but not limited to~~, orders issued
20 pursuant to:

1 (A) 15 V.S.A. ~~chapter~~ chapters 5 (relating to desertion and support
2 ~~and parentage), 7 (relating to URESA) or~~ and 11 (relating to annulment and
3 divorce);

4 (B) 15B V.S.A. chapters 1–19 (relating to Uniform Interstate Family
5 Support Act); and

6 (C) 15C V.S.A. chapters 1–8 (relating to parentage proceedings).

7 Sec. 24. 15 V.S.A. § 558 is amended to read:

8 § 558. ~~WOMAN SPOUSE~~ ALLOWED TO TAKE MAIDEN BIRTH NAME

9 Upon granting a divorce ~~to a woman~~, unless good cause is shown to the
10 contrary, the court ~~may~~ shall allow ~~her~~ a spouse to resume ~~her maiden the~~
11 spouse's birth name or the name of a former ~~husband~~ spouse.

12 Sec. 25. 15 V.S.A. § 788 is amended to read:

13 § 788. PARENT'S RESPONSIBILITY

14 (a) Any parent subject to a child support or parental rights and
15 responsibilities order shall notify in writing the court ~~which~~ that issued the most
16 recent order and the Office of Child Support of ~~his or her~~ the parent's current
17 mailing address and current residence address and of any change in either
18 address within seven business days of the change, until all obligations to pay
19 support or support arrearages, or to provide for parental rights and
20 responsibilities are satisfied. For good cause, the court may keep information
21 provided under this subsection confidential.

1 (b) When a wage withholding order is in effect, either parent shall notify in
2 writing the registry of the name and address of a new employer within seven
3 days of commencing new employment. If the Registry has received
4 information that a parent has changed employment, it shall notify the other
5 parent of the fact of the change but shall not disclose the identity or the location
6 of the employer. On request of a parent, the Registry shall provide information
7 on the other parent's wages.

8 (c)(1) In all cases in which a temporary or final order for relief from abuse
9 has been entered, information provided under this section shall be kept
10 confidential by the court. The court, for good cause shown, may release such
11 information.

12 (2) For purposes of this subsection, good cause shall be deemed
13 established when:

14 (A) a party to the relief from the abuse order consents to the release of
15 the party's own information, in which case the court may release that party's
16 information; or

17 (B) the temporary or final order for relief from abuse is no longer in
18 effect.

19 Sec. 26. 23 V.S.A. § 203 is amended to read:

20 § 203. COUNTERFEITING, FRAUD, AND MISUSE; PENALTY

21 (a) A person shall not:

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(2) display or cause or permit to be displayed, or have in ~~his or her~~ the person's possession, any fictitious or fraudulently altered operator's license, learner's permit, nondriver identification card, inspection sticker, registration certificate, or in-transit registration permit, or display for any fraudulent purpose an expired or counterfeit insurance identification card or similar document;

* * *

(b)(1) Except as provided in subdivision (2) of this subsection, a violation of subsection (a) of this section shall be a traffic violation for which there shall be a penalty of not more than \$1,000.00. If a person is found to have committed the violation, the person's privilege to operate motor vehicles shall be suspended for 60 days.

(2)(A) If a person may be charged with a violation of subdivision (a)(2) of this section or with a violation of 7 V.S.A. § 656, the person shall be charged with a violation of 7 V.S.A. § 656 and not with a violation of this section.

(B) If a person may be charged with a violation of subdivision (a)(2) of this section or with a violation of 7 V.S.A. § 1005, the person shall be charged with a violation of 7 V.S.A. § 1005 and not with a violation of this section.

1 Sec. 27. 27 V.S.A. § 349 is amended to read:

2 § 349. CONVEYANCE TO GRANTOR AND OTHERS

3 (a)(1) Without an intervening conveyance, a person may convey interests in
4 real estate directly:

5 ~~(1)(A)~~ to ~~himself or herself~~ themselves in a different legal capacity; ~~or~~

6 ~~(2)(B)~~ to ~~his or her~~ the person's spouse; or

7 ~~(3)(C)~~ to ~~himself or herself~~ themselves and one or more other persons,
8 including ~~his or her~~ the person's spouse.

9 (2) A person shall not convey an interest in a tenancy by the entirety or
10 in homestead property to any person except ~~his or her~~ the person's spouse,
11 unless the spouse joins in the conveyance.

12 (b) A conveyance made pursuant to this section shall be effective to convey
13 such title as would be conveyed by the deed if the grantor were not also a
14 grantee.

15 Sec. 28. 27 V.S.A. § 378 is amended to read:

16 § 378. EFFECT OF RECORDING UNACKNOWLEDGED DEED

17 A person interested in a deed or lease not acknowledged may cause the deed
18 or lease to be recorded without acknowledgment before or during the
19 application to the court or the proceedings before any of the authorities named
20 in sections ~~371-376~~ 371-375 of this title; and, when so recorded in the proper
21 office, it shall be as effectual as though the same had been duly acknowledged

1 and recorded for 60 days thereafter. If such proceedings for proving the
2 execution of the deed are pending at the expiration of such 60 days, the effect
3 of such record shall continue until the expiration of six business days after the
4 termination of the proceedings.

5 Sec. 29. 27 V.S.A. § 1302 is amended to read:

6 § 1302. DEFINITIONS

7 As used in this chapter, unless the context otherwise requires:

8 * * *

9 (7) “Common expenses” include:

10 (A) all sums lawfully assessed against the apartment or site owners by
11 the association of owners;

12 (B) expenses of administration, maintenance, repair, or replacement
13 of the common areas and facilities;

14 (C) expenses agreed upon as common expenses by the association of
15 owners; and

16 (D) expenses declared common expenses by this chapter, or by the
17 declaration or the bylaws.

18 Sec. 30. 27 V.S.A. § 1470(a) is amended to read:

19 (a) ~~It~~ As used in this section, “Death Master File” means the U.S. Social
20 Security Administration Death Master File or other database or service that is at

1 least as comprehensive as the U.S. Social Security Administration Death
2 Master File for determining that an individual reportedly has died.

3 Sec. 31. 27 V.S.A. § 1531(b) is amended to read:

4 (b) Before selling property under subsection (a) of this section, the
5 Administrator shall give notice to the public of:

6 (1) the date of the sale; and

7 (2) a reasonable description of the property.

8 Sec. 32. 27 V.S.A. § 1533(b) is amended to read:

9 (b) Replacement of the security or calculation of market value under
10 subsection (a) of this section must take into account a stock split, reverse stock
11 split, stock dividend, or similar corporate action.

12 Sec. 33. 27 V.S.A. § 1552(c) is amended to read:

13 (c) The Administrator shall decide a claim under this section not later than
14 90 days after it is presented. If the Administrator determines that the other state
15 is entitled under subsection (a) of this section to custody of the property, the
16 Administrator shall allow the claim and pay or deliver the property to the other
17 state.

18 Sec. 34. 27 V.S.A. § 1595(a) is amended to read:

19 (a) If a holder enters into a contract or other arrangement for the purpose of
20 evading an obligation under this chapter or otherwise willfully fails to perform
21 a duty imposed on the holder under this chapter, the Administrator may require

1 the holder to pay the Administrator, in addition to interest as provided in
2 subsection 1594(a) of this title, a civil penalty of \$1,000.00 for each day the
3 obligation is evaded or the duty is not performed, up to a cumulative maximum
4 amount of \$25,000.00, plus 25 percent of the amount or value of property that
5 should have been but was not reported, paid, or delivered as a result of the
6 evasion or failure to perform.

7 Sec. 35. REPEAL

8 27 V.S.A. chapter 7, subchapter 4 (congregational churches) is repealed.

9 Sec. 36. CONSTRUCTION OF ACT; PROPERTY INTERESTS NOT

10 AFFECTED

11 Sec. 35 of this act repeals 27 V.S.A. chapter 7, subchapter 4 for the purpose
12 of removing the statutory duties and procedures governing the transfer of
13 property by congregational churches. This act shall not be construed to affect a
14 religious corporation's rights or property interest in congregational church
15 property. This act shall not supersede any act of the General Assembly that
16 vested specific rights or interests in, or established specific procedures for the
17 transfer of property by, a chartered religious corporation.

18 Sec. 37. 28 V.S.A. § 126 is amended to read:

19 § 126. COORDINATED JUSTICE REFORM ADVISORY COUNCIL

20 * * *

1 (c) Powers and duties. The Coordinated Justice Reform Advisory Council
2 shall:

3 * * *

4 (5) on or before September 1, 2023 and annually thereafter, recommend
5 to the Commissioner of Corrections ~~the~~ a new appropriate allocation of not
6 more than \$900,000.00 from the Justice Reinvestment II line item of the
7 Department of Corrections' budget for the ~~upcoming~~ next fiscal year to support
8 community-based programs and services, related data collection and analysis
9 capacity, and other initiatives in accordance with subsection (a) of this section.

10 * * *

11 (e) Reports. On or before November 15, 2023 and annually thereafter, the
12 Coordinated Justice Reform Advisory Council shall submit recommendations
13 pursuant to subdivisions (c)(4) and (c)(5) of this section to the Joint Legislative
14 Justice Oversight Committee; the Senate Committees on Appropriations and on
15 Judiciary; and the House Committees on Appropriations, on Corrections and
16 Institutions, and on Judiciary. Any recommendations submitted pursuant to
17 subdivision (c)(4) shall be in the form of proposed legislation. The Council
18 shall include in its reports the efforts it has made to consult with the
19 organizations listed in subdivision (c)(3) of this section.

20 * * *

1 Sec. 38. 28 V.S.A. § 102 is amended to read:

2 § 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT; POWERS;
3 RESPONSIBILITIES

4 * * *

5 (c) The Commissioner is charged with the following responsibilities:

6 * * *

7 (23) To include the Coordinated Justice Reform Advisory Council's
8 appropriation recommendations made pursuant to subdivision 126(c)(5) of this
9 title in the Department's annual proposed budget for the next subsequent fiscal
10 year for the purposes of developing the State budget required to be submitted to
11 the General Assembly in accordance with 32 V.S.A. § 306.

12 Sec. 39. 29 V.S.A. § 561 is added to read:

13 § 561. RELEASE OF OIL AND GAS LEASES

14 (a) After the expiration, cancellation, surrender, or relinquishment of an oil
15 and gas lease, upon written request of the lessor, the lessee shall file a release or
16 discharge of the lease in the land records of the town or towns where the lands
17 described in the lease are located. The filing shall be in recordable form and
18 shall include any fees.

19 (b) If any lessee, or the lessee's personal representative, successor, or
20 assign, fails or refuses to record a release for a period of 30 days after being so

1 requested, the lessee shall be liable for all damages occasioned thereby,
2 including costs and reasonable attorney's fees.

3 (c) A lessor's request for release or discharge shall be in writing and
4 delivered to the lessee by personal service or registered mail at the lessee's last
5 known address.

6 Sec. 40. 29 V.S.A. § 563 is added to read:

7 § 563. ABANDONMENT OF OIL AND GAS INTERESTS;

8 PRESERVATION

9 (a) An abandoned interest in oil and gas shall revert to and merge with the
10 surface estate from which it was severed.

11 (b) An interest in oil and gas is deemed abandoned at any time that:

12 (1) it has been unused for a continuous period of 10 years after July 1,
13 1973; and

14 (2) no statement of interest under subsection (e) of this section has been
15 filed at any time within the preceding five years.

16 (c) The provisions of subsection (b) of this section shall not apply to any
17 interest in oil or gas that has been retained by the owner who originally severed
18 the mineral estate from the surface estate, notwithstanding that other interests in
19 the land, including ownership of the surface, may have been sold, leased,
20 mortgaged, or otherwise transferred.

1 (d) This section applies to all interests in oil and gas. It also applies to
2 interests in other minerals if created inclusively in the same instrument that
3 expressly creates an oil and gas interest. It does not apply to mineral interests
4 that do not expressly include an oil and gas interest or were intended to be
5 separate from an oil and gas interest.

6 (e) An interest in oil and gas is deemed used at any time in which:

7 (1) there is actual production of oil or gas, including production from
8 lands covered by a lease to which an oil and gas interest is subject, or from
9 lands pooled or unitized with such lands;

10 (2) oil and gas operations are conducted under the terms of the
11 instrument creating the oil and gas interest;

12 (3) payment is made of rental or royalties for the purpose of delaying the
13 use or continuing the use of the oil and gas interest;

14 (4) payment of taxes is made on the oil and gas interest; or

15 (5) there exists a currently valid permit under 10 V.S.A. chapter 151 or a
16 currently valid drilling permit under this chapter for development of the oil and
17 gas interest.

18 (f) The owner of an interest in oil or gas may file a statement of interest in
19 the land records of any municipality in which the land affected is located. The
20 statement shall include a description of the land affected, the nature of the

1 interest claimed, the book and page of recording of the original grant of the
2 interest, and the name and address of the person claiming the interest.

3 (g) The owner of the surface estate from which an oil and gas interest was
4 severed may give notice of abandonment under this subsection. Notice shall
5 contain the name of the record owner of the interest; a description of the land
6 and the nature of the interest; the book and page of filing of the interest, if it is
7 filed; the name and address of the person giving notice; and a statement that the
8 interest is presumed abandoned. The notice shall be published in a newspaper
9 of general circulation in the town or towns where the land affected is located.
10 If the address of the owner of the oil and gas interest is shown on record, a copy
11 of the notice shall be mailed to that address by certified or registered mail
12 within 10 days after the date of publication.

13 (h) A copy of the notice under subsection (g) of this section, and an
14 affidavit, may be filed in the land records of the municipality in which the land
15 is located. The affidavit shall state that the oil or gas interest has been
16 abandoned under the criteria set forth in subsection (b) of this section, and that
17 notice of abandonment has been given under the criteria set forth in subsection
18 (g). After the notice and affidavit have been filed, unless a court finds to the
19 contrary, the oil and gas interest shall be presumed abandoned, and the interest
20 of the surface owner shall be presumed for all purposes free of encumbrance
21 from that interest.

1 Sec. 41. 2022 Acts and Resolves No. 165, Secs. 8–10 are amended to read:

2 Sec. 8. [Deleted.]

3 Sec. 9. [Deleted.]

4 Sec. 10. [Deleted.]

5 Sec. 42. 2022 Acts and Resolves No. 165, Sec. 11(d) is amended to read:

6 (d) ~~Secs. 8–10 (repeal of authority to use gun suppressors while hunting)~~

7 ~~shall take effect on July 1, 2024.~~ [Deleted.]

8 Sec. 43. REPEAL OF DEPARTMENT OF CORRECTIONS PILOT

9 PROJECT

10 Sec. 2 of 2021 Acts and Resolves No. 14 (Department of Corrections pilot

11 project requiring report to court prior to sentencing a defendant to a term of

12 probation for a felony) is repealed.

13 Sec. 44. EFFECTIVE DATE

14 This act shall take effect on passage.