

1 S.126

2 Introduced by Senator Mullin

3 Referred to Committee on

4 Date:

5 Subject: Commerce and trade; consumer fraud; civil penalties and amounts

6 recovered; special funds; availability to attorney general and state's

7 attorneys

8 Statement of purpose: This bill proposes to repeal the authority of the attorney
9 general and the department of state's attorneys to deposit civil penalties and
10 other amounts recovered for consumer fraud violations into special funds
11 available to offset the cost of providing legal services. Instead, the bill requires
12 that all such funds be deposited into the general fund.

13 An act relating to repealing the ability of the attorney general and the
14 department of state's attorneys to deposit civil penalties and other amounts
15 recovered for consumer fraud violations into special funds available to
16 offset the cost of providing legal services

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

18 Sec. 1. 3 V.S.A. § 167 is amended to read:

19 § 167. PUBLIC FUNDS INVESTIGATION SPECIAL FUND

20 There is established a public funds investigation special fund, pursuant to
21 ~~subchapter 5 of chapter 7 of Title 32 V.S.A. chapter 7, subchapter 5.~~ At the

1 end of each fiscal year, revenue ~~available to the attorney general under~~
2 ~~9 V.S.A. § 2458(b)(4)~~ may be used to bring the unencumbered fund balance up
3 to \$100,000.00. Monies in the fund shall be available for expenditure by the
4 attorney general and state's attorneys to pay expenses, as the attorney general
5 and the state auditor shall agree, for independent contractors, including
6 accountants, necessary for investigation and prosecution of embezzlement or
7 other financial crimes in which public funds are alleged to have been misused.
8 Sec. 2. 9 V.S.A. § 2458 is amended to read:

9 § 2458. RESTRAINING PROHIBITED ACTS

10 * * *

11 (b) In addition to the foregoing, the attorney general or a state's attorney
12 may request and the court is authorized to render any other temporary or
13 permanent relief, or both, as may be in the public interest including, but not
14 limited to:

15 (1) the imposition of a civil penalty of not more than \$10,000.00 for
16 each violation;

17 (2) an order for restitution of cash or goods on behalf of a consumer or a
18 class of consumers similarly situated;

19 (3) an order requiring reimbursement to the state of Vermont for the
20 reasonable value of its services and its expenses in investigating and
21 prosecuting the action;

