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S.296

Introduced by Senators Brock, Collamore, Ingalls, Norris, Weeks, Westman  
and Williams

Referred to Committee on

Date:

Subject: Juvenile proceedings; jurisdiction

Statement of purpose of bill as introduced: This bill proposes to extend the implementation date for the Raise the Age juvenile justice initiative from July 1, 2024 to the date that the Secretary of Human Services provides notice to the Senate and House Committees on Judiciary, the Senate Committee on Institutions, and the House Committee on Corrections and Institutions that specified conditions have been met to provide necessary support for the additional caseload that would be created by expanded juvenile jurisdiction. The bill also requires that proceedings against persons 14–21 years of age originate in the Criminal Division of the Superior Court if the person is charged with human trafficking, trafficking a regulated drug, carrying a dangerous weapon while committing a felony, aggravated stalking, domestic assault, first degree aggravated domestic assault, or second degree aggravated domestic assault.

An act relating to jurisdiction in juvenile proceedings

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

2 Sec.1. 2018 Acts and Resolves No. 201, Sec. 21, as amended by 2022 Acts  
3 and Resolves No. 160, Sec. 1 and 2023 Acts and Resolves No. 23, Sec. 12, is  
4 further amended to read:

5 Sec. 21. EFFECTIVE DATES

6 \* \* \*

7 (d) Secs. 17–19 shall take effect on ~~July 1, 2024~~ the date that the Secretary  
8 of Human Services notifies the Senate and House Committees on Judiciary, the  
9 Senate Committee on Institutions, and the House Committee on Corrections  
10 and Institutions that the following conditions have been met to provide  
11 necessary support for the additional caseload that would be created by  
12 expanded juvenile jurisdiction:

13 (1) a permanent, secure crisis stabilization program is operating;

14 (2) additional juvenile services-specific family services worker (FSW)  
15 positions, sufficient to accommodate the anticipated additional caseloads, have  
16 been allocated to the Family Services Division workforce;

17 (3) the current Balanced and Restorative Justice (BARJ) budget has  
18 been expanded to offset some of the supervisory responsibilities for youth on  
19 noncustodial probation;

20 (4) there is available sufficient transition-age-specific residential  
21 program access; and

1           (5) there is available sufficient committed and ongoing financial support  
2           for a Comprehensive Child Welfare Information System (CCWIS).

3           Sec. 2. 2020 Acts and Resolves No. 124, Sec. 12, as amended by 2022 Acts  
4           and Resolves No. 160, Sec. 2 and 2023 Acts and Resolves No. 23, Sec. 13, is  
5           further amended to read:

6           Sec. 12. EFFECTIVE DATES

7           (a) Secs. 3 (33 V.S.A. § 5103(c)) and 7 (33 V.S.A. § 5206) shall take effect  
8           on July 1, 2024 the date that the Secretary of Human Services notifies the  
9           Senate and House Committees on Judiciary, the Senate Committee on  
10           Institutions, and the House Committee on Corrections and Institutions that the  
11           following conditions have been met to provide necessary support for the  
12           additional caseload that would be created by expanded juvenile jurisdiction:

13           (1) a permanent, secure crisis stabilization program is operating;

14           (2) additional juvenile services-specific family services worker (FSW)  
15           positions, sufficient to accommodate the anticipated additional caseloads, have  
16           been allocated to the Family Services Division workforce;

17           (3) the current Balanced and Restorative Justice (BARJ) budget has  
18           been expanded to offset some of the supervisory responsibilities for youth on  
19           noncustodial probation;

20           (4) there is available sufficient transition-age-specific residential  
21           program access; and

1           (5) there is available sufficient committed and ongoing financial support  
2 for a Comprehensive Child Welfare Information System (CCWIS).

3   \* \* \*

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

5           § 5201. COMMENCEMENT OF DELINQUENCY PROCEEDINGS

6   \* \* \*

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

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

19                           (i) a violation of a condition of release as defined in 13 V.S.A.  
20 § 7559 imposed by the Criminal Division for any of the offenses listed in  
21 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 (iii) carrying a dangerous weapon while committing a felony in  
5 violation of 13 V.S.A. § 4005;

6 (iv) trafficking a regulated drug in violation of 18 V.S.A. chapter  
7 84, subchapter 1;

8 (v) human trafficking or aggravated human trafficking in violation  
9 of 13 V.S.A. § 2652 or 2653;

10 (vi) aggravated stalking as defined in 13 V.S.A. § 1063(a)(3); or

11 (vii) domestic assault, first degree aggravated domestic assault,  
12 and second degree aggravated domestic assault as defined in 13 V.S.A.  
13 §§ 1042, 1043, and 1044.

14 \* \* \*

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on passage.