

1 S.205

2 Introduced by Senator Sears

3 Referred to Committee on Judiciary

4 Date: January 7, 2020

5 Subject: Appropriations; Judiciary; criminal and civil surcharges; General

6 Fund

7 Statement of purpose of bill as introduced: This bill proposes to create a  
8 schedule to repeal criminal and civil surcharges by June 30, 2026 and replace  
9 revenue from the surcharges with general funds.

10 An act relating to criminal and civil surcharges

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

12 ~~Sec. 1. CRIMINAL AND CIVIL SURCHARGES; REPEAL; GENERAL~~

13 ~~FUNDS~~

14 ~~(a) On or before October 1, 2020, the Court Administrator, in consultation~~  
15 ~~with the Executive Director of the Vermont Center for Crime Victim Services,~~  
16 ~~a representative from the Special Investigations Unit, and a representative~~  
17 ~~from Vermont Legal Aid, shall submit to the House and Senate Committees on~~  
18 ~~Appropriations a schedule to repeal the surcharges set forth in 13 V.S.A.~~  
19 ~~§ 7282 so that all surcharges are repealed on or before June 30, 2026.~~

1 ~~(b) Beginning on July 1, 2021, for fiscal years 2022 through 2026, the~~  
2 Court Administrator shall include in its annual budget request a recommended  
3 amount of funding from the General Fund to replace the loss of revenue from  
4 the surcharges described in subsection (a) of this section that are set to repeal  
5 in that fiscal year.

6 Sec. 2. EFFECTIVE DATE

7 ~~This act shall take effect on July 1, 2020.~~

*Sec. 1. 13 V.S.A. § 7282 is amended to read:*

*§ 7282. SURCHARGE*

*(a) In addition to any penalty or fine imposed by the court or Judicial Bureau for a criminal offense or any civil penalty imposed for a traffic violation, including any violation of a fish and wildlife statute or regulation, violation of a motor vehicle statute, or violation of any local ordinance relating to the operation of a motor vehicle, except violations relating to seat belts and child restraints and ordinances relating to parking violations, the clerk of the court or Judicial Bureau shall levy an additional surcharge of:*

*\* \* \**

*(b) The surcharges imposed by this section shall not be waived by the court except as part of an expungement proceeding where the petitioner demonstrates an inability to pay.*

*\* \* \**

*Sec. 2. EFFECTIVE DATE*

*This act shall take effect on July 1, 2020.*