

Administrative Order No. 20

ADVISORY COMMITTEE ON THE RULES OF CRIMINAL PROCEDURE

Pursuant to Chapter II, § 37, of the Vermont Constitution, it is ordered:

§ 1. The order of the Supreme Court dated January 17, 1974, as amended on September 13, 1977, which created an Advisory Committee on the Rules of Criminal Procedure is superseded effective July 1, 1980.

§ 2. An Advisory Committee on the Rules of Criminal Procedure of twelve members is established consisting of the Attorney General or his designee, the Defender General or his designee, the chair of the Vermont Bar Association corresponding standing committee (to the extent that one exists), one district court clerk, and eight other members to be appointed by the Supreme Court, three of whom shall be Superior and/or District Court Judges and one of whom shall be a State's Attorney. The designee of the Attorney General or the Defender General shall be subject to the approval of the Supreme Court. Upon designation and approval, the designee shall be the only representative of the Office of the Attorney General or Defender General eligible to participate in Committee proceedings. Whenever a designee resigns or the position is otherwise vacant, a successor designee shall be appointed and approved as provided above. Initial appointments of the five other members shall be for staggered terms - one member for three years, two members for two years, and two members for one year. The initial appointments of the judges shall be for one three-year term, one two-year term, and one one-year term. Thereafter appointment shall be for a three-year term. No member shall serve for more than three consecutive terms or parts thereof. Whenever a member resigns or the office is otherwise vacant, the Supreme Court shall appoint a successor to fill the unexpired term. The chair shall be designated by the Supreme Court.

§ 3. The members of the Committee shall be reimbursed for reasonable and necessary expenses related to the performance of their duties and shall receive per diem compensation equivalent to that provided by law for comparable boards and commissions. The Commissioner of Finance and Management shall pay from the judicial appropriation all expenses of the Committee when claims are submitted on proper vouchers approved by the Court Administrator.

§ 4. The Committee shall continually review the operation and effectiveness of the Rules of Criminal and Appellate Procedure and shall recommend to the Supreme Court amendment to those rules or other appropriate actions which it finds advisable.

§ 5. The Committee shall meet at least once a year and shall report to the Supreme Court annually on or before the first Tuesday of October and at other times which the Committee finds advisable.

§ 6. Pursuant to [A.O. 11](#), the Committee shall give proper public notice and opportunity to comment relative to any report of proposal of, or amendment to, any rule. Any individual having proposals for amendment of the Vermont Rules of Criminal and Appellate Procedure or any other proposals for change by statute, rule, or otherwise in Vermont criminal procedure is requested to forward them, in writing, to the Court Administrator, or to the chair or a member of the Advisory Committee for consideration. Adopted April 21, 1980, eff. July 1, 1980; amended June 17, 1980, eff. July 1, 1980; May 19, 1982, eff. July 1, 1982; Oct. 15, 1996, eff. Nov. 1, 1996; Jan. 27, 2000, eff. May 1, 2000; June 26, 2002, eff. Sept. 1, 2002.