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2026 VT 41

No. 25-AP-200

Chavis Murphy

v.

Nicholas Deml and Michael Lyon

Supreme Court

On Appeal from
Superior Court, Washington Unit,
Civil Division

May Term, 2026

Timothy B. Tomasi, J.

Matthew Valerio, Defender General, and Marco Kushner, Prisoner's Rights Office, for
Petitioner-Appellant.

Charity R. Clark, Attorney General, Montpelier, and Robert C. Menzel, Jr., Assistant Attorney
General, Waterbury, for Respondent-Appellee.

PRESENT: Reiber, C.J., Eaton, Nolan and Drescher, JJ., and Richardson, Supr. J.,
Specially Assigned

¶ 1. **NOLAN, J.** Petitioner Chavis Murphy is serving a sentence of twenty years to life in the Vermont Department of Corrections (DOC) for a second-degree murder conviction. For the first four months of 2021, he received earned-time sentence reductions for good behavior under a law that went into effect in 2020. 28 V.S.A. § 818. The next year, however, the Legislature amended the law to exclude inmates who committed second-degree murder and other specified serious crimes, if they were sentenced on or before January 1, 2021. Petitioner, who falls into that category, challenged the constitutionality of the law, asserting that it violates his due process rights and the Common Benefits Clause of the Vermont Constitution. We discern no constitutional

violation. Procedural due process requirements do not apply to legislative actions like the 2021 amendment to § 818, and a law that promotes the legitimate governmental purpose of protecting victims’ retributive expectations while not burdening any fundamental right of petitioner does not run afoul of substantive due process or our Common Benefits Clause. We therefore affirm.

I. Background

¶ 2. For almost forty years, Vermont allowed inmates to earn reductions in their sentences if they maintained good behavior and participated in programming while in custody. 2019, No. 56, § 1(a)(1). After repealing the law in 2005, the Vermont Legislature revived the program in 2019 through 28 V.S.A. § 818, which established a new earned-time program and required the DOC to file a proposed rule to implement the program. 2019, No. 56, § 2. The law provided that inmates eligible for earned-time credit under § 818 could earn a reduction of five days from their sentence for each month that they were “not adjudicated of a major disciplinary rule violation; [were] not reincarcerated from the community for a violation of release conditions . . . ; and compl[ied] with a merit-based system designed to incentivize offenders to meet milestones identified by the [DOC] that prepar[ed] offenders for reentry.” *Id.* § 2(b)(2). It excluded from earned-time credit inmates sentenced to life without parole, inmates on probation or parole, and offenders eligible for a reduction of term under 28 V.S.A. § 811. *Id.* § 2(b)(1).

¶ 3. The Legislature amended the statute in 2020 to make the program effective on January 1, 2021, and to increase the monthly sentence reduction from five to seven days, among other changes. 2019, No. 148 (Adj. Sess.), § 14(a), (b)(2). The Legislature also removed the law’s requirement that inmates comply with a “merit-based system” to receive sentence reductions, effectively making the application of earned-time credits automatic rather than discretionary. *Id.* § 14(b)(2); see 28 V.S.A. § 818(b)(2) (awarding eligible inmates with sentence reductions if they are “not adjudicated of a major disciplinary rule violation” and “not reincarcerated from the community for a violation of release conditions”).

¶ 4. Shortly after it went into effect in 2021, Senator Richard Sears proposed a bill that would exclude from the program individuals serving time for certain serious felonies, including, as relevant here, inmates convicted of second-degree murder. S.18, 2021-2022 Gen. Assemb., Bien. Sess. (Vt. 2021). Then Attorney General T.J. Donovan testified before the Senate Judiciary Committee that he asked Senator Sears to submit the amendment after victims and their families who had received notification of the program contacted him with their concerns. Attorney General Donovan explained that the impetus for this amendment was to protect expectations of victims and their families who relied on prosecutor representations that perpetrators would serve their sentences, particularly promises made in connection with plea bargaining and agreements. Though some senators voiced concern about the bill and that it would create disparities among inmates, the amended statute passed and took effect on April 26, 2021. 2021, No. 12, § 2.

¶ 5. As a result of the 2021 amendment, any person serving a sentence for a disqualifying crime on January 1, 2021, could no longer earn sentence reductions after April 26, 2021. 2021, No. 12, § 2(b)(5); see 28 V.S.A. § 818(b)(5) (“[A]n offender who was serving a sentence for a disqualifying offense on January 1, 2021 shall not earn any earned time sentence reductions under this section after the effective date of this act.”); see also 28 V.S.A. § 818(c)(1)(A) (listing disqualifying offenses as murder, voluntary manslaughter, kidnapping, lewd or lascivious conduct with child, sexual assault, aggravated sexual assault, and aggravated sexual assault of child). Individuals sentenced for the same crimes after January 1, 2021, remained eligible to earn sentence reductions under the law. 28 V.S.A. § 818(b)(5). Inmates rendered ineligible could continue to earn credits from January 1, 2021, through April 26, 2021, but not after April 26, and they retained any credit earned before then. 28 V.S.A. § 818(b)(5) (providing that amended statute “shall not be construed to limit or affect earned time that an offender has earned on or before the effective date of this act”). The DOC promulgated Rule #21-011 to implement the amendment. Vermont Department of Corrections APA Rule #21-011, Earned Time

Rule, <https://outside.vermont.gov/dept/DOC/Policies/Earned%20Time%20Rule%202021-011.pdf> [<https://perma.cc/U4PL-JP86>].

II. Facts and Procedural History

¶ 6. These facts are undisputed. Petitioner was convicted by a jury of second-degree murder in 2018 and sentenced to serve twenty years to life in January 2019. He is currently in custody of the DOC. Under the initial version of § 818, petitioner had the opportunity to earn sentence reductions. Petitioner earned sentence reductions for January 2021, February 2021, March 2021, and April 2021. After the 2021 amendment, petitioner became ineligible for further earned-time credit because he was serving a sentence for second-degree murder on January 1, 2021. See 28 V.S.A. § 818(b)(5), (c)(1)(A) (providing that “an offender who was serving a sentence for a disqualifying offense on January 1, 2021, shall not earn any earned time sentence reductions under this section after the effective date of this act,” and listing murder—including second-degree murder pursuant to 13 V.S.A. § 2301—as “disqualifying offense”). Petitioner retains the earned-time credits he received from January to April 2021, and he will receive a sentence shorter than his minimum sentence as a result.

¶ 7. In 2021, petitioner filed a pro se complaint in the civil division pursuant to Vermont Rule of Civil Procedure 75, seeking a declaratory judgment that he was entitled to sentence reductions for his good behavior after April 26, 2021. Counsel from the Prisoners’ Rights Office subsequently entered an appearance on behalf of petitioner and moved the court to stay the action pending final decision in a parallel federal lawsuit challenging the validity of 28 V.S.A. § 818. After the federal court ruled in favor of the DOC, Baird v. Deml, No. 2:22-CV-00165, 2023 WL 5978232 (D. Vt. Sept. 12, 2023), petitioner amended his complaint to claim that the 2021 amendment to § 818 violated his right to due process and the Common Benefits Clause. Petitioner subsequently moved for summary judgment on the same grounds arguing that Baird was not binding on state courts, and that the trial court should conduct its own analysis. The DOC cross-

moved for summary judgment, arguing that the federal district court had rejected these arguments in a persuasive legal analysis that should be adopted by the trial court.

¶ 8. Like petitioner, the plaintiff in Baird v. Deml was convicted of second-degree murder before January 1, 2021, and earned sentence reductions for January 2021 through April 2021 under the first iteration of § 818. Baird, 2023 WL 5978232, at *1. And like petitioner, moreover, the plaintiff argued that the 2021 amendment violated her federal and state due process rights and the Common Benefits Clause of the Vermont Constitution.¹ Id.

¶ 9. Analyzing the plaintiff's due process claim as a procedural one, the federal district court held that the amendment did not violate due process guarantees under the Vermont or U.S. Constitutions because the plaintiff had no cognizable liberty interest in the "opportunity" to earn future sentence reductions. Id. at *3-4. After following this Court's three-step framework for analysis, the court further held that the amendment did not violate the Common Benefits Clause. Id. at *5-6; see In re Hodgdon, 2011 VT 19, ¶ 23, 189 Vt. 265, 19 A.3d 598 (summarizing three-step inquiry under Common Benefits Clause analysis as "(1) what part of the community is disadvantaged by the legal requirement; (2) what is the governmental purpose in drawing the classification; and (3) does the omission of part of the community from the benefit of the challenged law bear a reasonable and just relation to the governmental purpose?" (quotations omitted)).

¶ 10. The court identified the community disadvantaged by the amendment as those inmates in DOC custody it excluded from credit eligibility because they were sentenced for

¹ The Baird plaintiff also argued that the amendment violated the U.S. Constitution's Ex Post Facto Clause because it "extends her incarceration by prolonging the date that she would be entitled to consideration for parole or release from incarceration." Id. at *6 (quotation and alterations omitted). The court held that the amended law did not violate the Ex Post Facto Clause because it did not impose a punishment more severe than the punishment authorized by law when the plaintiff committed the offense. Id. at *7. Petitioner did not raise an Ex Post Facto Clause claim here.

disqualifying crimes before January 1, 2021.² *Id.* at *5. The court explained that the Legislature’s purpose in amending the law was “to protect the reasonable expectations of victims with regard to the sentences served by those who have perpetrated crimes against them,” which was “a rational legislative purpose and one the Vermont Legislature has repeatedly recognized.” *Id.* The court reasoned that “[b]y excluding individuals who committed crimes before the enactment of § 818, victims of those crimes are able to rely on the term of imprisonment imposed at sentencing” and “defendants similarly have notice of the term of imprisonment at their sentencing and suffer no increase of that term under § 818.” *Id.* Thus, the court concluded that the amended statute did not violate the Common Benefits Clause as it “is neither overinclusive nor underinclusive,” “is wholly prospective,” and “serves its intended legislative purpose.” *Id.* at *5-6.

¶ 11. Adopting *Baird*’s reasoning, the civil division concluded that the DOC was entitled to summary judgment on both of petitioner’s claims. Petitioner appeals.

III. Standard of Review

¶ 12. In reviewing the trial court’s summary judgment decision, we apply the same standard as the trial court. *State v. Green Mountain Future*, 2013 VT 87, ¶ 14, 194 Vt. 625, 86 A.3d 981. “Summary judgment is appropriate when, taking all allegations made by the nonmoving party as true, there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” *Id.*; see V.R.C.P. 56(a) (“The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”). “We review the trial court’s conclusions of law, particularly its constitutional decisions, de novo.” *Green Mountain Future*, 2013 VT 87, ¶ 15.

² Though the court identified the disadvantaged community as those “inmates in DOC custody who were sentenced for certain crimes before April 26, 2021,” we infer that the court meant inmates sentenced for certain crimes on or before January 1, 2021. *Baird*, 2023 WL 5978232, at *5 (emphasis added).

IV. Discussion

¶ 13. Here, we agree with the trial court and Baird that § 818 as amended in 2021 complies with federal and state due process guarantees and the Common Benefits Clause. However, because petitioner’s due process arguments have procedural and substantive overtones, we analyze his challenge under both constitutional rubrics. Infra, ¶ 16. Further, our reasoning in reaching our procedural due process conclusion differs from that of Baird and the lower court because we conclude that procedural due process requirements have no application to legislative actions such as the § 818 amendment. Baird and the trial court’s decision are otherwise largely consistent with ours.

A. Due Process

¶ 14. Petitioner first asserts that the DOC’s application of the amended 28 V.S.A. § 818 violates his right to due process under the Vermont and U.S. Constitutions. Petitioner argues that by restoring the earned-time program in 2020 and “mak[ing] the application of earned-time credits automatic rather than discretionary,” the Legislature “created a liberty interest in the ability to earn those credits,” which “triggered [petitioner’s] right to due process before his entitlement to those credits could be taken away.” Thus, although petitioner frames his argument as a challenge to DOC’s application of § 818 as amended in 2021—asking this Court to “order DOC” to apply to him the version of § 818 that preceded the 2021 amendment—his argument is, in substance, a challenge to the validity of that amendment and a request that we invalidate it.

¶ 15. Both the Vermont and U.S. Constitutions guard against governmental deprivations of liberty without due process, with Article 10 and Article 4 of the Vermont Constitution considered equivalent to the federal Due Process Clause of the Fourteenth Amendment. Parker v. Gorczyk, 170 Vt. 263, 272, 744 A.2d 410, 416 (1999) (providing that “laws of the land” in Article 10 of Vermont Constitution is “synonymous” with “due process of law” provided in Fourteenth Amendment of U.S. Constitution (quotation marks omitted)); Quesnel v. Town of Middlebury,

167 Vt. 252, 258, 706 A.2d 436, 439 (1997) (explaining that Article 4 of Vermont Constitution is “equivalent” to federal Due Process Clause, but “does not create substantive rights, . . . it merely provides access to the courts”); see Vt. Const. ch. I, art. 10 (providing that no person can “be justly deprived of liberty, except by the laws of the land”); Vt. Const. ch. I, art. 4 (“Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property, or character.”); U.S. Const. amend. XIV, § 1 (“[N]or shall any State deprive any person of life, liberty, or property, without due process of law.”). Thus, we have relied extensively on federal jurisprudence in interpreting the Vermont Due Process Clause. See, e.g., A.B. v. S.U., 2023 VT 32, ¶ 10, 218 Vt. 123, 298 A.3d 573 (“In general, our cases have treated claims under Article 4 similarly to those made under the U.S. Constitution, and we have employed the federal standards to evaluate Article 4 claims.”); Parker, 170 Vt. at 272, 744 A.2d at 416 (explaining that this Court’s “due-process jurisprudence has relied heavily on that of the United States Supreme Court even when our decisions were ultimately based on the Vermont Constitution”).

¶ 16. Petitioner does not clarify whether he seeks to invalidate the 2021 amendment to § 818 on procedural or substantive due process grounds. See Parker, 170 Vt. at 276, 744 A.2d at 418 (noting that due-process claim brought in that case had “both procedural and substantive overtones”). Delineation matters because “procedural due process is concerned with the process used to deprive a person of a protected interest,” while “the substantive component of the Due Process Clause protects individuals against arbitrary government action irrespective of the procedures used to take the action.” Mellin v. Flood Brook Union Sch. Dist., 173 Vt. 202, 215, 790 A.2d 408, 420 (2001) (citation omitted). We address each component in turn and conclude that petitioner’s due process challenge fails on both grounds.

1. Procedural Due Process

¶ 17. If petitioner is arguing that the 2021 change to § 818 violated his procedural due process rights, his claim fails because the amendment constituted a legislative action that is not subject to procedural due process requirements. Under the U.S. and Vermont Constitutions, courts typically “ ‘examine procedural due process questions in two steps: the first asks whether there exists a liberty or property interest which has been interfered with by the State; the second examines whether the procedures attendant upon that deprivation were constitutionally sufficient.’ ” Conway v. Gorczyk, 171 Vt. 374, 376, 765 A.2d 463, 465 (2000) (quoting Ky. Dep’t of Corr. v. Thompson, 490 U.S. 454, 460 (1989)). However, this Court and the U.S. Supreme Court have differentiated between legislative and adjudicative actions, and procedural due process requirements do not apply to the former. See, e.g., Gould v. Town of Monkton, 2016 VT 84, ¶ 20, 202 Vt. 535, 150 A.3d 1084 (explaining that procedural due process requirements “apply only with respect to governmental adjudicative decisions rather than legislative decisions”); In re Stratton Corp., 157 Vt. 436, 442, 600 A.2d 297, 300 (1991) (“Due process requirements apply to the procedures that must be used in reaching agency determinations only if they are adjudicative, rather than rulemaking or legislative, in nature.”); Bi-Metallic Inv. Co. v. State Bd. of Equalization, 239 U.S. 441, 445 (1915) (“Where a rule of conduct applies to more than a few people, it is impracticable that everyone should have a direct voice in its adoption. . . . Their rights are protected in the only way that they can be in a complex society, by their power, immediate or remote, over those who make the rule.”).

¶ 18. This is because “[w]hen the [L]egislature passes a law which affects a general class of persons, those persons have all received procedural due process—the legislative process.” 2 R. Rotunda, J. Novak & J. Young, Treatise on Constitutional Law: Substance and Procedure § 17.8(c) at 251 (1986); see Logan v. Zimmerman Brush Co., 455 U.S. 422, 433 (1982) (“[T]he legislative determination provides all the process that is due.”). In general, “[f]airness (or due process) in

legislation is satisfied when legislation is enacted in accordance with the procedures established in the state constitution and statutes for the enactment of legislation.” Richardson v. Town of Eastover, 922 F.2d 1152, 1158 (4th Cir. 1991). The legislative process is constitutionally sufficient because “[t]hose who disagree with the adoption of a legislative enactment can pursue relief through the democratic political process.” Gould, 2016 VT 84, ¶ 20; see L C & S, Inc. v. Warren Cnty. Area Plan Comm’n, 244 F.3d 601, 602-03 (7th Cir. 2001) (“Legislation is prospective in effect and, more important, general in its application. . . . The right to notice and a hearing, the essence of [the concept of due process], are substitutes for the prospectivity and generality that protect citizens from oppression by legislators and thus from the potential tyranny of electoral majorities.”). A party may disagree with a law if they are disproportionately or particularly affected by it, but that does not mean they may challenge it under the Due Process Clause. Gould, 2016 VT 84, ¶ 21.

¶ 19. In determining whether a governmental action is legislative or adjudicative, federal courts have focused on different considerations, such as “the generality” and “prospectivity” of an enactment, L C & S, Inc., 244 F.3d at 604, or “on the function performed by the decisionmaker,” Thomas v. City of New York, 143 F.3d 31, 36 n.7 (2d. Cir. 1998) (quotation omitted). We have considered similar factors in determining whether an agency action is legislative or administrative, stating that courts must examine whether the action is a “policy determination, involving general facts, and having a prospective application”—characteristics of the legislative function—or whether it is “a determination of particular facts and past events”—characteristics of an adjudicative proceeding. Parker v. Town of Milton, 169 Vt. 74, 80, 726 A.2d 477, 482 (1998).

¶ 20. Though the line between legislative and adjudicative action can sometimes be difficult to discern, that is not the case here. The 2021 amendment grew out of the legislative process. It applied generally to all inmates serving sentences for certain crimes on January 1, 2021. See 28 V.S.A. § 818(b)(5) (providing that “an offender who was serving a sentence for a

disqualifying offense on January 1, 2021, shall not earn any earned time sentence reductions under this section after the effective date of this act”). The amendment applied prospectively by disqualifying certain inmates from earning sentence reductions after its enactment, while allowing them to retain credits earned before it became effective. *Id.* (providing that amended statute “shall not be construed to limit or affect earned time that an offender has earned on or before the effective date of this act”). By any definition, the Legislature’s amendment of § 818 was a “legislative action.”

¶ 21. Petitioner’s suggestion to the contrary notwithstanding, the Legislature also had authority to amend § 818 to limit eligibility for earned-time credits. See *State v. Saari*, 152 Vt. 510, 515, 568 A.2d 344, 348 (1989) (explaining that Legislature “is entitled to make incremental changes in the statutes of this state,” including by creating new offenses, adjusting fines for crimes, prescribing new fines, and adjusting severity of sentences for crimes). And petitioner identifies no deficiency in the amendment enactment process itself. See generally *Atkins v. Parker*, 472 U.S. 115, 129-30 (1985) (noting legislative process must not be defective). Accordingly, the legislative process having provided “all the process that is due,” petitioner’s procedural due process claim, to the extent he brings one, must fail. *Id.* at 129 (quotation omitted); cf. *id.* (holding that “procedural component of the Due Process Clause does not impose a constitutional limitation on the power of Congress to make substantive changes in the law of entitlement to public benefits” even if entitlement to public benefits is property interest under Due Process Clause, and reaffirming that “welfare recipient is not deprived of due process when the legislature adjusts benefit levels [because] legislative determination provides all the process that is due” (quotations and alterations omitted)).

2. Substantive Due Process

¶ 22. To the extent petitioner presses a substantive due process claim, it must also fail for two reasons: the amendment did not concern a fundamental constitutional right, and it is rationally related to a legitimate government interest.

¶ 23. The doctrine of substantive due process protects “those fundamental rights and liberties which are, objectively, deeply rooted in this Nation’s history and tradition, and implicit in the concept of ordered liberty, such that neither liberty nor justice would exist if they were sacrificed.” Washington v. Glucksberg, 521 U.S. 702, 720-21 (1997) (quotations and citations omitted). If a law burdens a fundamental right, courts apply strict scrutiny review, analyzing whether the law’s “infringement is narrowly tailored to serve a compelling state interest.” Id. at 721 (quotation omitted). If a law does not implicate a fundamental right, courts apply rational-basis review, and it is petitioner’s burden to “demonstrate that there is no conceivable rational relation between the challenged [law] and a legitimate end of government.” Parker, 170 Vt. at 276, 744 A.2d at 419; see Glucksberg, 521 U.S. at 728 (applying same standard to substantive due-process claim made under U.S. Constitution); see also Reno v. Flores, 507 U.S. 292, 305 (1993) (explaining that “narrow tailoring is required only when fundamental rights are involved”).

¶ 24. We have been clear that “[t]he computation of good-time credit does not implicate fundamental rights.” Venman v. Patrissi, 156 Vt. 257, 258, 590 A.2d 897, 898 (1991); accord Trivento v. Comm’r of Corr., 135 Vt. 475, 479, 380 A.2d 69, 72 (1977) (explaining that distinctions in who is eligible for statutory good-time credit do not involve fundamental rights). Likewise, the U.S. Supreme Court explained in Wolff v. McDonnell that the U.S. Constitution “does not guarantee a good-time credit for satisfactory behavior while in prison,” though a state “may have the authority to create, or not, a [statutory] right to a shortened prison sentence through the accumulation of credits for good behavior.” 418 U.S. 539, 557 (1974).

¶ 25. Because the amendment did not burden a fundamental right, we apply rational basis review. The Legislature amended § 818 to protect the expectations of victims and their families, who did not know about the future possibility of earned-time credits at sentencing, that perpetrators of particularly violent crimes would serve the entirety of the sentences they received. Supra, ¶ 4. This Court recognizes that goal as a legitimate one. See Parker, 170 Vt. at 277, 744 A.2d at 419 (recognizing governmental goal of abiding by “public expectations that offenders will serve their sentences”). Indeed, the purpose of honoring crime victims’ expectations—as part of the larger legislative mandate “to ensure that [they] are treated with dignity and respect they deserve while functioning in a system in which they find themselves through no fault of their own”—lies at the heart of our Crime Victim’s Rights Act. 13 V.S.A. § 5303; see also 13 V.S.A. § 5305(a) (granting victims and affected persons the right to request notification of defendant’s release, furlough, escape, recapture, pardon or commutation of sentence, among others).

¶ 26. Section 818 is rationally related to this legitimate government goal. By restricting earned-time credits to inmates sentenced for especially serious crimes after January 1, 2021, when victims would be aware of the earned-time program, the law protects the expectations of victims, their families, and the public. Cf. Parker, 170 Vt. at 277, 744 A.2d at 419 (holding that “policy of not allowing violent felons to obtain furlough before serving their minimum sentences was intended to protect the public and meet public expectations that offenders will serve their sentences,” and thus plaintiffs’ substantive due process claim failed because “general rule requiring violent felons to serve their minimum sentences before becoming eligible for parole meets the rational basis standard”); Thornton v. Hunt, 852 F.2d 526, 527 (11th Cir. 1988) (per curiam) (concluding that statute which excluded prisoners serving sentences of more than ten years from earning good time credit did not violate Due Process Clause because it was “rationally related to the legitimate purpose of preventing the early release of serious offenders”). Petitioner therefore cannot demonstrate a substantive due-process violation.

B. Common Benefits Clause

¶ 27. Petitioner alternatively contends that the DOC’s application of the amendment violates the Common Benefits Clause of the Vermont Constitution. He argues that the law has an impermissible disparate effect under the Clause because it bars him from receiving earned-time credits while allowing other inmates convicted of the same offense and sentenced after January 1, 2021 to receive those credits. As with his due-process claim, we conclude that this challenge amounts to an attack on the validity of the underlying legislation. We further conclude that the amended law does not violate the Common Benefits Clause.

¶ 28. The Common Benefits Clause guarantees a “government . . . instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community.” Vt. Const. ch. I, art. 7. When considering a challenge under the Clause, this Court presumes that statutes are constitutional and gives deference to the Legislature’s policy decisions. Vitale v. Bellows Falls Union High Sch., 2023 VT 15, ¶ 20, 217 Vt. 611, 293 A.3d 309. Thus, the petitioner carries the heavy burden to show that a statute “does not bear a reasonable and just relation to a governmental purpose and is therefore unconstitutional.” Id. ¶ 21; see also Badgley v. Walton, 2010 VT 68, ¶ 20, 188 Vt. 367, 10 A.3d 469 (explaining that “proponent of a constitutional challenge has a very weighty burden to overcome” as we presume statutes are constitutional and reasonable).

¶ 29. A challenge under the Common Benefits Clause requires this Court to determine whether a part of a community has been denied a benefit, and whether that denial is reasonably connected to the Legislative purpose. Vitale, 2023 VT 15, ¶ 46. Analyzing such a claim requires us to (1) identify the portion of the community disadvantaged by the statute; (2) determine the governmental purpose in creating that distinction; and (3) ascertain whether the distinction bears

a “reasonable and just relation” to the identified purpose. Hodgdon, 2011 VT 19, ¶ 23 (citing Badgley, 2010 VT 68, ¶ 21).

¶ 30. To determine the part of the community disadvantaged by the law, we examine the statute and identify the “nature of the statutory classification.” Baker v. State, 170 Vt. 194, 215, 744 A.2d 864, 880 (1999); see id. (identifying exclusion of same-sex couples under a statute that applies expressly to opposite-sex couples). Under the amendment, inmates in DOC custody sentenced to a disqualifying crime on or before January 1, 2021 became ineligible to earn credits following its passage. 28 V.S.A. § 818(b)(5), (c) (“[A]n offender who was serving a sentence for a disqualifying offense on January 1, 2021 shall not earn any earned time sentence reductions under this section after the effective date of this act.”). That group—inmates eligible for earned-time credit under the 2020 version of § 818 but rendered ineligible under the 2021 change—is the disadvantaged group.

¶ 31. The Legislature passed the amendment with the goal to protect the retributive expectations of victims of violent crime and their families who had no inkling, at the time of sentencing, that the sentences could later be reduced through earned-time credits. Supra, ¶ 4. Having identified the disadvantaged group and the purpose behind the law’s distinction between groups, this Court must consider whether the distinction bears a “reasonable and just relation” to the purpose. Badgley, 2010 VT 68, ¶ 21 (quotation omitted); Baker, 170 Vt. at 213-14, 744 A.2d at 878 (“Consistent with Article 7’s guiding principle of affording the protection and benefit of the law to all members of the Vermont community, we examine the nature of the classification to determine whether it is reasonably necessary to accomplish the State’s claimed objectives.” (quotation omitted)). Three factors are pertinent to this analysis: “(1) the significance of the benefits and protections of the challenged law; (2) whether the omission of members of the community from the benefits and protections of the challenged law promotes the government’s

stated goals; and (3) whether the classification is significantly underinclusive or overinclusive.” Baker, 170 Vt. at 214, 744 A.2d at 879.

¶ 32. It goes without saying that the opportunity to earn a seven-day reduction in time to serve for each month of good behavior is significant for an inmate. On the other hand, the amendment’s removal of that opportunity for inmates convicted of serious crimes prior to 2021 served the Legislature’s stated goal of affording crime victims and their families certainty in their expectations concerning their perpetrator’s punishment. The Legislature’s decision to limit eligibility for sentence reduction to inmates convicted of lesser offenses and those sentenced after January 1, 2021 for the more serious tranche of crimes promotes the goal of honoring victims’ expectations regarding how long those offenders will be behind bars. The amendment reflects a legitimate legislative judgment that eliminating this uncertainty for victims of certain serious crimes, their families, and the public—none of whom were aware of any earned-time program at sentencing—outweighs any accompanying detriment to the goals of cost-saving and incentivizing rehabilitation for the perpetrators. We defer to that policy decision. See Badgley, 2010 VT 68, ¶ 38 (explaining that “we must accord deference to the policy choices made by the Legislature”).

¶ 33. Further, the amendment is not significantly over- or underinclusive. To honor expectations the victims formed at sentencing hearings, it applies to inmates sentenced for certain serious crimes—murder, voluntary manslaughter, kidnapping, lewd or lascivious conduct with a child, sexual assault, aggravated sexual assault, and aggravated sexual assault of a child—before its effective date. See 28 V.S.A. § 818(c)(1)(A) (listing disqualifying offenses). It does not alter inmates’ sentences, retract sentence reductions inmates have already earned, or deny inmates the opportunity to earn credit other than those excluded in the amended law. Moving forward, criminal defendants and victims will be able to consider—and to advocate based upon—the potential for earned-time credits at the time of sentencing, consistent with the Legislature’s purpose of

preserving public expectations. See Baird, 2023 WL 5978232, at *5 (explaining that defendants and victims will be “on notice” of § 818 during sentencing going forward).

¶ 34. Citing advocacy before the Legislature by families in cases involving plea agreements, petitioner calls the amendment overinclusive because it applies to inmates like him, who were convicted after a jury trial, and not exclusively to those who pleaded guilty under a plea agreement. As a corollary, he notes that none of those families from plea agreement cases specifically petitioned the Legislature for a categorical exclusion from sentence reduction eligibility based on the type of offense involved in their case or the date of their sentencing. Because he took his case to trial—petitioner’s logic continues—his exclusion from the earned-time program does not support the purported legislative interest in protecting victim expectations.

¶ 35. The Legislature did not, however, pass the amendment with a goal so narrow and counterintuitive as petitioner asserts. The Legislature intended to protect victims whose cases went to trial—where the defendant did not accept responsibility for his crime prior to conviction—as much as it intended to protect the victims in cases where the defendant pleaded guilty and accepted responsibility. By its terms, the benefits of § 818, as amended in 2021, inure to the benefit of both kinds of victim, without distinction.³ 28 V.S.A. § 818.

³ Further, even if we needed to consider petitioner’s proffered testimony, we could not necessarily conclude that the Legislature’s goals correspond directly with the limited testimony petitioner offers. Comments made by witnesses at committee hearings “are of little weight in determining legislative intent.” State v. Turner, 2021 VT 30, ¶ 15, 214 Vt. 464, 254 A.3d 204; see State v. Rooney, 2011 VT 14, ¶ 39, 189 Vt. 306, 19 A.3d 92 (Skoglund, J., concurring) (explaining that “courts are generally hesitant to resort to . . . statements of the purpose or nature of the proposed law made by committee members or other persons at the committee’s hearings,” because “[d]oing so would require one to consider what impact such statements may have made on the majority of legislators” (quotation, alteration, and citation omitted)). Moreover, the comments petitioner highlights can just as readily be interpreted as reflective of the witness’s polite instinct to speak only about their own personal experience—and not those of others. In any event, the proffered witness statements are not inconsistent with the purpose of the statute as reflected in its plain language.

¶ 36. Petitioner also argues that the amendment contravenes the law’s original goals of reducing incarceration costs and incentivizing rehabilitation. See 2019, No. 56, § 1. Even if that proposition were true, it is the Legislature’s prerogative to amend the statutes of this state, Saari, 152 Vt. at 515, 568 A.2d at 348, and this Court’s “function is not to substitute our view of the appropriate balance” of competing interests “for that of the Legislature,” Badgley, 2010 VT 68, ¶ 24.

¶ 37. In any event, we conclude the amendment’s purposes are consistent with the law prior to its 2021 amendment. In addition to reducing costs and incentivizing good behavior, the statute reflected a legislative intent to protect victims by requiring their notification of the passage of the law and allowing them to opt into receiving updates about changes in the sentences. 28 V.S.A. § 818(4); 2019, No. 148 (Adj. Sess.), § 14(4)(A). The amendment goes further in advancing the Legislature’s goal of protecting victims, taking special measures for those who endured the most serious of crimes. It was the province of the Legislature to enhance victim protection in this fashion.

¶ 38. Accordingly, we conclude that the 2021 amendment to 28 V.S.A. § 818 does not violate the Common Benefits Clause of the Vermont Constitution.

Affirmed.

FOR THE COURT:

Associate Justice