

1 H.690

2 Introduced by Representatives LaLonde of South Burlington, Bos-Lun of
3 Westminster, Casey of Montpelier, Dolan of Essex Junction,
4 Headrick of Burlington, Maguire of Rutland City, Mulvaney-
5 Stanak of Burlington, Rachelson of Burlington, Small of
6 Winooski, and Troiano of Stannard

7 Referred to Committee on

8 Date:

9 Subject: Judiciary; corrections; sentencing alternatives

10 Statement of purpose of bill as introduced: This bill proposes to create
11 community restitution as a statutory sentencing alternative. This bill
12 authorizes the Commissioner of Corrections to adopt rules governing the
13 community restitution sentencing alternative.

14 An act relating to establishing community restitution as a sentencing
15 alternative

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

17 Sec. 1. FINDINGS

18 The General Assembly finds that:

19 (1) Previously, the Department of Corrections offered what was known
20 as the Community Restitution Program or “work crew” as an opportunity for

1 individuals to successfully make amends to the community through structure
2 work contracted with municipalities, State agencies, and local nonprofit
3 organizations.

4 (2) The Department of Corrections ended the Community Restitution
5 Program in 2023.

6 Sec. 2. INTENT

7 It is the intent of the General Assembly that the Department of Corrections
8 reinstitute the Community Restitution Program and ensure that it is
9 appropriately staffed and resourced so that it may be offered in all 14 counties
10 as a sentencing alternative.

11 Sec. 3. 13 V.S.A. § 7030 is amended to read:

12 § 7030. SENTENCING ALTERNATIVES

13 (a) In determining which of the following should be ordered, the court shall
14 consider the nature and circumstances of the crime; the history and character of
15 the defendant; the defendant's family circumstances and relationships; the
16 impact of any sentence upon the defendant's minor children; the need for
17 treatment; and the risk to self, others, and the community at large presented by
18 the defendant:

19 (1) A deferred sentence pursuant to section 7041 of this title.

20 (2) Referral to a community reparative board pursuant to 28 V.S.A.
21 chapter 12 in the case of an offender who has pled guilty to a nonviolent

1 felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the
2 subject areas prohibited for referral to a community justice center under
3 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this
4 subdivision does not require the court to place the offender on probation. The
5 offender shall return to court for further sentencing if the reparative board does
6 not accept the case or if the offender fails to complete the reparative board
7 program to the satisfaction of the board in a time deemed reasonable by the
8 board.

9 (3) Community restitution pursuant to rules adopted by the
10 Commissioner of Corrections.

11 (4) Probation pursuant to 28 V.S.A. § 205.

12 ~~(4)~~(5) Supervised community sentence pursuant to 28 V.S.A. § 352.

13 ~~(5)~~(6) Sentence of imprisonment.

14 (b) When ordering a sentence of probation, the court may require
15 participation in the Restorative Justice Program established by 28 V.S.A.
16 chapter 12 as a condition of the sentence.

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on July 1, 2024.