

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 14
3 entitled “An act relating to Justice Reinvestment II reporting requirements”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. REDESIGNATION

8 28 V.S.A. § 125 is redesignated as 3 V.S.A. § 3029.

9 Sec. 2. 3 V.S.A. § 3029 is amended to read:

10 § 3029. ~~JUSTICE REINVESTMENT II INITIATIVES~~ CRIMINAL JUSTICE
11 INVESTMENTS AND OUTCOMES; IMPACT ON CRIME AND
12 VIOLENCE; REPORT

13 (a) Definitions. As used in this section:

14 (1) “Desistance” means the process by which criminality, or the
15 individual risk for antisocial conduct, declines over the life-course of the
16 individual, generally after adolescence.

17 (2) “Recidivism” has the same meaning as in 28 V.S.A. § 4.

18 (b) Report.

19 (1) On or before January 15 each year, the ~~Commissioner of Corrections~~
20 Secretary of Human Services, in consultation with the Commissioners of
21 Corrections, of Health, of Mental Health, of Public Safety, and for Children

1 and Families ~~and~~; the Attorney General; the Chief Superior Judge of the
2 Superior Court; the Executive Director of the Office of Racial Equity; and the
3 Parole Board Director, shall submit a report to the House Committees on
4 Appropriations and on Corrections and Institutions ~~and~~, the Senate Committees
5 on Appropriations and on Judiciary, and the Division of Racial Justice
6 Statistics detailing the ~~expenditures on Justice Reinvestment II and the~~
7 ~~following related initiatives:~~

8 (1) ~~funding for domestic violence intervention programming in the~~
9 ~~Department of Corrections;~~

10 (2) ~~funding for offender transitional housing capacity with the~~
11 ~~Department of Corrections and other departments;~~

12 (3) ~~funding for the Department of Correction's data collection Offender~~
13 ~~Management System;~~

14 (4) ~~funding for community-based mental health and substance use~~
15 ~~services for individuals under Department of Corrections supervision;~~

16 (5) ~~funding provided for diversion and restorative justice programs~~
17 ~~including community justice centers, court diversion, and balanced and~~
18 ~~restorative justice (BARJ); and~~

19 (6) ~~funding and a description of any other General Fund expenditures~~
20 ~~for Justice Reinvestment II initiatives. effects of the State's criminal justice-~~

1 related investments and expenditures on crime and violence in Vermont since
2 the last report was submitted pursuant to this section.

3 (2) The report shall explain the outcomes of the State’s criminal justice-
4 related investments and expenditures, specifically any correlation between the
5 funded initiatives and any increase or decrease in related crime and violence.

6 The report shall include data and outcome indicators related to:

7 (A) recidivism rates;

8 (B) evidence of desistence;

9 (C) bail rates, including detainees held without bail, detainees held
10 with bail and the associated monetary amounts, and bailees who post bail and
11 are released;

12 (D) violations of conditions of release, probation, parole, and
13 furlough, including whether the violations contain an element of violence and
14 whether the violations are technical, civil, or criminal in nature;

15 (E) new offenses committed by former and current supervisees of the
16 Department of Corrections, including whether the offenses contain an element
17 of violence and whether the offenses are civil or criminal in nature;

18 (F) the status of individuals released from incarceration, including
19 housing and job placement data; and

20 (G) the outcomes for individuals served by Justice Reinvestment II
21 and related initiatives, including outcome indicators related to:

1 (i) funding for domestic violence intervention programming in the
2 Department of Corrections;

3 (ii) funding for offender transitional housing capacity with the
4 Department of Corrections and other departments;

5 (iii) funding for the Department of Correction’s data collection
6 Offender Management System;

7 (iv) funding for community-based mental health and substance use
8 services for individuals under Department of Corrections supervision;

9 (v) funding for agencies, departments, municipalities, programs,
10 and services employing restorative justice principles, including community
11 justice centers; and

12 (vi) funding and a description of any other General Fund
13 expenditures for Justice Reinvestment II initiatives.

14 ~~(b)~~(c) Report expiration. The provisions of 2 V.S.A. § 20(d) (expiration of
15 required reports) shall not apply to the report to be made under this section.

16 (d) Data elements and availability.

17 (1) The datasets required pursuant to subsection (b) of this section shall
18 include data elements showing racial, gender, age, and income disparities, if
19 available.

1 (2) The report required pursuant to subsection (b) of this section shall
2 explain any obstacles or impediments to the availability and collectability of
3 data required pursuant to this section.

4 (e) Data sharing. Notwithstanding any provision of law to the contrary, all
5 State and local agencies and departments that possess the data necessary to
6 compile the report required pursuant to this section shall, upon request, provide
7 the Secretary of Human Services with any data the Secretary determines is
8 relevant to the report. This obligation to disclose shall supersede any other
9 legal obligation with respect to the data required pursuant to this section, and a
10 department, agency, or other entity shall not decline to disclose data required
11 based on any other purported legal obligation.

12 (f) Confidentiality. Any data or records transmitted to or obtained by the
13 Secretary of Human Services are exempt from public inspection and copying
14 under the Public Records Act and shall be confidential to the extent required
15 by law unless and until the data or records are included in the report required
16 by this section. A State or local agency or department that transmits data or
17 records to the Secretary shall be the sole records custodian for purposes of
18 responding to requests for the data or records. The Secretary may direct any
19 request for these data or records to the transmitting agency or department for
20 response, provided that the Secretary shall respond to a Public Records Act

1 request for nonidentifying data used by the Secretary for preparation of the
2 report required by this section.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on July 1, 2023.

5 and that after passage the title of the bill be amended to read: “An act
6 relating to a report on criminal justice-related investments and outcomes”

7

8 (Committee vote: _____)

9

10

Senator _____

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FOR THE COMMITTEE