

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. 28 V.S.A. § 125 is amended to read:

8 § 125. ~~JUSTICE REINVESTMENT II INITIATIVES~~ CRIMINAL JUSTICE
9 INVESTMENTS AND TRENDS; REPORT

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

11 (1) “Arrest” means when a person is seized by law enforcement,
12 charged with the commission of an offense, and referred for prosecution.

13 (2) “Clearance” means the process by which a law enforcement agency
14 closes an offense by arrest or exceptional means in accordance with the
15 Federal Bureau of Investigation’s Uniform Crime Reporting Program.

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

19 (4) “Exceptional means” means the death of the offender, the victim’s
20 refusal to cooperate with the prosecution after the offender is identified, the
21 denial of extradition because the offender committed a crime in another

1 jurisdiction and is being prosecuted for that offense, or other circumstance in
2 accordance with the Federal Bureau of Investigation’s Uniform Crime
3 Reporting Program.

4 (5) “Recidivism” has the same meaning as in section 4 of this title.

5 (b) Report.

6 (1) On ~~or before January~~ November 15 each year, 2024 and every three
7 years thereafter, the ~~Commissioner of Corrections~~ Vermont Statistical Analysis
8 Center (SAC), in consultation with the Commissioners of Corrections, of
9 Health, of Mental Health, of Public Safety, of Labor, and for Children and
10 Families ~~and~~; the Attorney General; the Chief Superior Judge of the Superior
11 Court; the Division of Racial Justice Statistics; and the Parole Board Director,
12 shall submit a report to the House Committees on Appropriations and on
13 Corrections and Institutions ~~and~~, the Senate Committees on Appropriations and
14 on Judiciary ~~detailing the expenditures on Justice Reinvestment II and the~~
15 following related initiatives:

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

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

20 (3) ~~funding for the Department of Correction’s data collection Offender~~
21 ~~Management System;~~

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

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

6 ~~(6) funding and a description of any other General Fund expenditures~~
7 ~~for Justice Reinvestment II initiatives, the Joint Legislative Justice Oversight~~
8 ~~Committee, and the Executive Director of the Office of Racial Equity~~
9 ~~examining the trends associated with Vermont’s criminal justice-related~~
10 ~~investments and expenditures since the last report was submitted pursuant to~~
11 ~~this section.~~

12 (2) The report required pursuant to subdivision (1) of this section shall
13 include data showing:

14 (A) recidivism rates;

15 (B) clearance rates;

16 (C) evidence of desistance, including successful completion of
17 community supervision;

18 (D) returns to incarceration from community supervision with the
19 following relevant data points:

20 (i) community supervision type, classified by probation, parole,
21 and furlough;

1 (ii) an indication if a return was for a violation or a new charge,
2 including the crime type;

3 (iii) an indication if a violation was classified as “significant/not
4 violent” or “significant and violent” for any applicable statuses; and

5 (iv) all available demographic information.

6 (E) bail rates, including detainees held without bail, detainees held
7 with bail and the associated monetary amounts, and bailees who post bail and
8 are released;

9 (F) pretrial detainees held in Vermont correctional facilities,
10 including the crime type and jurisdiction for which they are held;

11 (G) the funding for, and utilization of, substance use, mental health,
12 educational, and vocational initiatives for incarcerated individuals; and

13 (H) the funding for, and utilization by, individuals served through
14 Justice Reinvestment II and related initiatives, including:

15 (i) domestic violence intervention programming in the Department
16 of Corrections, including the results from the evaluation framework between
17 the Vermont Network Against Domestic and Sexual Violence and the
18 University of Nebraska;

19 (ii) offender transitional housing capacity with the Department of
20 Corrections and other departments;

1 (iii) advancements to the Department of Corrections’ data
2 collection Offender Management System;

3 (iv) agencies, departments, municipalities, programs, and services
4 employing restorative justice principles, including community justice centers;

5 (v) other General Fund expenditures for Justice Reinvestment II
6 initiatives;

7 (vi) the Department of Corrections’ out-of-state beds contracted
8 by the Department and the average cost per bed in fiscal year 2019 and for
9 each fiscal year thereafter; and

10 (vii) the Department of Corrections’ in-state beds, separated by
11 gender, including specialty units and units closed or unavailable in fiscal year
12 2019 and for each fiscal year thereafter.

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

15 (c) Informational availability.

16 (1) The information required pursuant to subsection (b) of this section
17 shall include race, gender, age, and other demographic variables whenever
18 possible.

19 (2) The report required pursuant to subsection (b) of this section shall
20 explain any obstacles or impediments to the availability and collectability of
21 data required pursuant to this section, including whether collecting certain data

1 would put particular populations at risk, along with the substance use and
2 mental health needs and educational and vocational status of justice-involved
3 individuals.

4 (d) 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 SAC with any data that it determines is relevant to the report. The obligation
8 to disclose shall supersede any other legal obligation with respect to the data
9 required pursuant to this section, and a department, agency, or other entity
10 shall not decline to disclose data required based on any other purported legal
11 obligation.

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

20 Sec. 2. SUNSET OF REPORT

21 28 V.S.A. § 125 is repealed on July 1, 2028.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.

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

5

6 (Committee vote: _____)

7

8

Senator _____

9

FOR THE COMMITTEE