

### Legal mechanisms related to pretrial “revolving door” issue

1. **Imposing bail.** Review [Act No. 164 from 2018](#). Repeal this Act ([H. 775](#)). Alternatively, consider revisions ([S. 287](#)).
  - a. \$200 cap: eliminate, or revise (by striking limit for defendant who has been released pending trial for another offense).
  - b. Add to judicial factors relating to protection of public in § 7554 ([S. 287, p. 7](#)).
  - c. Revise definition of flight from prosecution to expressly include noncompliance with court orders and failures to appear at court hearings. ([S. 287, p. 17](#)).
2. **Flash cites.** Give legislative direction to the timing of arraignments for violations of conditions of release, especially when the violation constitutes a new crime. See, e.g., 13 V.S.A. § 1048(b) (“A person cited for domestic assault shall be arraigned on the next business day after the citation is issued except for good cause shown.”).
3. **VCR enforcement scheme.** (See [S. 287, p. 10](#).)
4. **Pretrial risk assessments and needs screenings.** Make orders under [13 V.S.A. § 7554c](#) enforceable. These orders are currently unenforceable by statute. See 13 V.S.A. § 7554c(d)(4).
5. **Civil contempt.** Codify civil contempt for pretrial orders to perform certain acts, including orders under § 7554c. Bill language has been drafted and is based on civil contempt for failure to pay child support in [15 V.S.A. § 603](#). Civil contempt overview: [Russell v. Armitage](#), 166 Vt. 392, 407 (1997) (Morse, J., concurring).
6. **Revoking bail.** Give legislative attention to [13 V.S.A. § 7575](#), informed by the constitutional standard for revoking bail (see [State v. Sauve](#), 159 Vt. 566, 575 (1993)). Review change to § 7575 in [Act 164 in 2018, p. 10](#), and proposed repeal in [H.775, p. 8](#). Consider a statutory definition for “impedes prosecution” consistent with *Sauve*. Also, for purposes of policy discussion, compare [13 V.S.A. § 7575](#) with [18 U.S.C. § 3148](#).