

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

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

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

1           (4) “Exceptional means” means the death of the offender, the victim’s  
2 refusal to cooperate with the prosecution after the offender is identified, the  
3 denial of extradition because the offender committed a crime in another  
4 jurisdiction and is being prosecuted for that offense, or other circumstance in  
5 accordance with the Federal Bureau of Investigation’s Uniform Crime  
6 Reporting Program.

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

8           (b) Report.

9           (1) On or before January 15 each year, the Commissioner of Corrections  
10 Secretary of Human Services, in consultation with the Commissioners of  
11 Corrections, of Health, of Mental Health, of Public Safety, and for Children  
12 and Families and; the Attorney General; the Chief Superior Judge of the  
13 Superior Court; the Executive Director of the Office of Racial Equity; and the  
14 Parole Board Director, shall submit a report to the House Committees on  
15 Appropriations and on Corrections and Institutions and, the Senate Committees  
16 on Appropriations and on Judiciary, and the Division of Racial Justice  
17 Statistics detailing the expenditures on Justice Reinvestment II and the  
18 following related initiatives:

19           (1) funding for domestic violence intervention programming in the  
20 Department of Corrections;

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

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

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

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

10           ~~(6) funding and a description of any other General Fund expenditures~~  
11           ~~for Justice Reinvestment II initiatives. effects of the State’s criminal justice-~~  
12           ~~related investments and expenditures on crime and violence in Vermont since~~  
13           ~~the last report was submitted pursuant to this section.~~

14           (2) The report shall explain the outcomes of the State’s criminal justice-  
15           related investments and expenditures, specifically any correlation between the  
16           funded initiatives and any increase or decrease in related crime and violence.  
17           The report shall include data and outcome indicators **showing:**

18                   (A) recidivism rates;

19                   (B) **clearance rates;**

20                   (C) evidence of desistence, **including:**

1 (i) violations of conditions of release, probation, parole, and  
2 furlough, including whether the violations are related to noncompliance with  
3 drug-related conditions; considered violent; and technical, civil, or criminal in  
4 nature with any applicable charge code;

5 (ii) former and current supervisees of the Department of  
6 Corrections charged with new offenses, including whether the offenses are  
7 considered violent and civil or criminal in nature with any applicable charge  
8 code; and

9 (iii) former and current supervisees of the Department of Corrections  
10 convicted of new offenses, including whether the convictions contain an  
11 element of violence and whether the offenses are civil or criminal in nature;

12 (D) bail rates, including detainees held without bail, detainees held  
13 with bail and the associated monetary amounts, and bailees who post bail and  
14 are released;

15 (E) the status of individuals released from incarceration, including  
16 housing and job placement data; and

17 (F) the outcomes for individuals served by Justice Reinvestment II  
18 and related initiatives, including;

19 (i) any effects funding for domestic violence intervention  
20 programming in the Department of Corrections has had on domestic violence  
21 crime rates;

1           (ii) any effects funding for offender transitional housing capacity  
2 with the Department of Corrections and other departments has had on housing  
3 rates for individuals released from incarceration;

4           (iii) any effects funding for the Department of Correction’s data  
5 collection Offender Management System has had on the Department’s data  
6 monitoring, collection, and sharing; incarcerated individual case planning; and  
7 other related objectives;

8           (iv) any effects funding for community-based mental health and  
9 substance use services for individuals under Department of Corrections  
10 supervision has had on the individuals’ mental health and substance use needs;

11           (v) any effects funding for agencies, departments, municipalities,  
12 programs, and services employing restorative justice principles, including  
13 community justice centers, has had on diverting individuals from the criminal  
14 justice system;

15           (vi) any effects other General Fund expenditures for Justice  
16 Reinvestment II initiatives has had on its targeted population and a description  
17 of the effects;

18           (vii) the average number of Department of Corrections’ out-of-  
19 state beds paid by the Department and the average cost per bed in fiscal year  
20 2019 and for each fiscal year thereafter; and

1                   (viii) the average number of Department of Corrections' in-state  
2                   beds available for housing incarcerated individuals, including any specially  
3                   designated populations and the average number of beds that are offline or  
4                   unavailable in fiscal year 2019 and for each fiscal year thereafter.

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

7                   (d) Data elements and availability.

8                   (1) The datasets required pursuant to subsection (b) of this section shall  
9                   be aggregated to show outcome indicators for individual offenders, excluding  
10                   any personally identifying information, and shall include data elements  
11                   showing disparities based on race, gender, age, income, and substance use  
12                   disorder, if available.

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

16                   (e) Data sharing. Notwithstanding any provision of law to the contrary, all  
17                   State and local agencies and departments that possess the data necessary to  
18                   compile the report required pursuant to this section shall, upon request, provide  
19                   the Secretary of Human Services with any data the Secretary determines is  
20                   relevant to the report. This obligation to disclose shall supersede any other  
21                   legal obligation with respect to the data required pursuant to this section, and a

1 department, agency, or other entity shall not decline to disclose data required  
2 based on any other purported legal obligation.

3 (f) Confidentiality. Any data or records transmitted to or obtained by the  
4 Secretary of Human Services are exempt from public inspection and copying  
5 under the Public Records Act and shall be confidential to the extent required  
6 by law unless and until the data or records are included in the report required  
7 by this section. A State or local agency or department that transmits data or  
8 records to the Secretary shall be the sole records custodian for purposes of  
9 responding to requests for the data or records. The Secretary may direct any  
10 request for these data or records to the transmitting agency or department for  
11 response, provided that the Secretary shall respond to a Public Records Act  
12 request for nonidentifying data used by the Secretary for preparation of the  
13 report required by this section.

14 Sec. 3. EFFECTIVE DATE

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

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

18  
19 (Committee vote: \_\_\_\_\_)

20 \_\_\_\_\_

21 Senator \_\_\_\_\_

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FOR THE COMMITTEE