

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 27
3 entitled “An act relating to reducing the imposition of cash bail” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. 13 V.S.A. § 7551 is amended to read:

8 § 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND
9 APPEARANCE BONDS

10 (a) Bonds; generally. A bond given by a person charged with a criminal
11 offense or by a witness in a criminal prosecution under section 6605 of this
12 title, conditioned for the appearance of the person or witness before the court
13 in cases where the offense is punishable by fine or imprisonment, and in
14 appealed cases, shall be taken to the Criminal Division of the Superior Court
15 where the prosecution is pending and shall remain binding upon parties until
16 discharged by the court or until sentencing. The person or witness shall appear
17 at all required court proceedings.

18 (b) Limitation on imposition of bail, secured appearance bonds, and
19 appearance bonds.

20 (1) Except as provided in subdivision (2) of this subsection, no bail,
21 secured appearance bond, or appearance bond may be imposed:

1 ~~(A) at the initial appearance of a person charged with a misdemeanor~~
2 ~~if the person was cited for the offense in accordance with Rule 3 of the~~
3 ~~Vermont Rules of Criminal Procedure; or~~

4 ~~(B) at the initial appearance or upon the temporary release pursuant~~
5 ~~to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged~~
6 ~~with a violation of a misdemeanor offense that is eligible for expungement~~
7 ~~pursuant to subdivision 7601(4)(A) of this title.~~

8 (2) In the event the court finds that imposing bail is necessary to
9 mitigate the risk of flight from prosecution for a person charged with a
10 ~~violation of a misdemeanor offense that is eligible for expungement pursuant~~
11 ~~to subdivision 7601(4)(A) of this title~~ any of the following offenses, the court
12 may impose bail in a maximum amount of \$200.00;

13 (A) domestic assault as defined in section 1042 of this title;

14 (B) stalking as defined in section 1062 of this title;

15 (C) violation of a protection order as defined in section 1030 of this
16 title;

17 (D) recklessly endangering another person as defined in section 1025
18 of this title;

19 (E) misdemeanor abuse, neglect, or exploitation of a vulnerable adult
20 as defined in chapter 28 of this title; or

1 (F) misdemeanor sexual exploitation of children in violation of
2 chapter 64 of this title.

3 (3) This subsection shall not be construed to restrict the court’s ability to
4 impose conditions on such persons to reasonably mitigate the risk of flight
5 from prosecution or to reasonably protect the public in accordance with section
6 7554 of this title.

7 Sec. 2. PROPOSAL TO ELIMINATE CASH BAIL

8 (a)(1) The Vermont Sentencing Commission, in consultation with the
9 entities designated in subdivision (2) of this subsection, shall identify the
10 conditions that would be required to move toward a more equitable pretrial
11 system that includes elimination of the use of cash bail for the purpose of
12 mitigating risk of flight from prosecution for misdemeanors and shall develop
13 a proposal to reduce the use of cash bail for felonies.

14 (2) The Commission shall solicit input from:

15 (A) the Vermont Network Against Domestic and Sexual Violence;

16 (B) the Community Justice Unit of the Office of the Attorney

17 General;

18 (C) Vermont Legal Aid;

19 (D) the Vermont Office of Racial Equity;

20 (E) the Vermont chapter of the American Civil Liberties Union;

21 (F) the Vermont Freedom Fund; and

1 (G) national experts on bail reform.

2 (b) The Commission shall report its findings and recommendations to the
3 General Assembly on or before December 1, 2023.

4 Sec. 3. JUDICIARY; NOTICES OF HEARINGS

5 (a) To reduce the instances of failure to appear by persons who are charged
6 with a criminal offense, on or before July 1, 2025, the Judiciary shall establish
7 and implement a system to electronically notify such persons of upcoming
8 required court appearances.

9 (b) On or before December 1, 2023, the Judiciary shall report to the
10 General Assembly any requests for legislation or monies necessary to fund the
11 system identified in subsection (a) of this section.

12 (c) On or before December 1, 2026, the Judiciary shall report to the
13 General Assembly on the efficacy of the notification system.

14 Sec. 4. EFFECTIVE DATES

15 (a) This section and Secs. 2 and 3 shall take effect on passage.

16 (b) Sec. 1 shall take effect on July 1, 2025.

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3 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE