

1 S.105

2 Introduced by Senators Doyle, Scott and Shumlin

3 Referred to Committee on

4 Date:

5 Subject: Corrections; release of supervisees into communities; compensation
6 to municipalities

7 Statement of purpose: This bill proposes to require the state to compensate a
8 municipality when the number of offenders which the department of
9 corrections places in the municipality exceeds the statewide average.

10 An act relating to compensation to municipalities for release of offenders by
11 the Department of Corrections

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. FINDINGS

14 The general assembly finds that:

15 (1) On average, on any given day, there are over 8,000 people living in
16 Vermont communities while under the supervision of the department of
17 corrections. This number is not likely to decrease given the state's policy of
18 reducing incarceration time for nonviolent offenders. For example, each
19 month, approximately 70 inmates meet the criteria for reentering the

1 community under the supervision of the commissioner of corrections on
2 conditional reentry status.

3 (2) Because the department of corrections typically places them in areas
4 where services are available, these supervisees are not being released in a
5 manner that distributes them proportionately among Vermont communities.
6 The number of supervisees released in some municipalities, as a percentage of
7 the municipality's total population, is far larger than in others. For example, in
8 each of the county seats in Franklin, Washington, Orleans, Caledonia, Rutland,
9 and Bennington Counties, the percentage of the total population composed of
10 department of corrections' supervisees is more than three percent, which is
11 more than double the statewide average of 1.3 percent.

12 (3) Placement of supervisees in a community places upward pressure on
13 the community's ability to provide the types of services that supervisees need
14 to succeed. Therefore, the disproportionate distribution of supervisees among
15 communities places an undue burden on the ability of some communities to
16 provide adequate public safety services, to meet their financial obligations, and
17 to maintain the quality of life for all their citizens.

18 Sec. 2. PURPOSE

19 The general assembly intends that:

1 (1) The department of corrections should assist those municipalities that
2 are being asked to take a disproportionately high number of department
3 supervisees into their communities.

4 (2) Community reintegration of nonviolent offenders should continue to
5 be a high priority because it protects public safety by ensuring that ample
6 prison space is available for incarceration of dangerous offenders while
7 improving the chances of rehabilitation for nonviolent ones. In order for
8 community reintegration to function well, however, supervisees need access to
9 a wide variety of services, such as employment assistance, drug and alcohol
10 counseling, probation supervision, and the like. Such services are typically
11 located in the county seat, so in order to make those services most accessible
12 for supervisees, the county seats will inevitably receive a higher proportion of
13 supervisees than other municipalities. Because providing these services costs
14 money, the financial burden will also fall more heavily on the county seats
15 than on other municipalities. If the communities that are forced to bear a
16 greater share of the costs of reintegrating offenders are not provided with the
17 resources to meet those costs, the community buy-in essential to an offender's
18 reintegration success will evaporate, and the programs will fail.

19 (3) Municipalities with populations in excess of 3,000 which receive a
20 higher-than-state-average percentage of department supervisees should receive
21 compensation sufficient to offset the costs created by their placement in the

1 community. It is logical for those costs to be borne by the department, since it
2 is the department which decides where offenders are placed. Provision of
3 compensation to affected municipalities will offset the costs of offender
4 reintegration programs and create more public support for them, leading in turn
5 to improved offender rehabilitation and enhanced public safety.

6 Sec. 3. 28 V.S.A. § 106 is added to read:

7 § 106. COMMUNITY REINTEGRATION CAPACITY; COMPENSATION
8 FOR MUNICIPALITY WHEN CAPACITY EXCEEDED

9 (a) The department shall not place in a municipality any person under
10 supervision of the department, whether the person is under probation,
11 supervised release, furlough, or any other manner of department supervision, if
12 placement of the person would cause the percentage of supervisees in that
13 municipality to exceed 150 percent of the average percentage of supervisees in
14 each municipality statewide. For purposes of this section, “percentage of
15 supervisees” means the percentage of the municipality’s total population that is
16 composed of persons under supervision of the department.

17 (b) The department may exceed the statewide average percentage of a
18 municipality’s total population that is composed of persons under supervision
19 of the department only if the department pays the affected community
20 \$25,000.00 for each tenth of a percentage point by which the number of
21 department supervisees in the municipality exceeds the statewide average.

1 Sec. 4. HOST COMMUNITIES; COMPENSATION; PREFERENCES

2 (a) Defined term. As used in this section, "host community" means a
3 municipality in which the percentage of the total population that is composed
4 of persons under supervision of the department of corrections exceeds the
5 average such percentage for all municipalities in the state.

6 (b) Corrections PILOT program.

7 (1) Fifty percent of the funds appropriated to the department of
8 corrections PILOT program under section 2.048 of each year's appropriations
9 act shall be paid to host communities as defined in subsection (a) of this
10 section.

11 (2) For FY 2010 and each year thereafter, the amount appropriated to
12 the department of corrections PILOT program under section 2.048 of the
13 appropriations act shall not be less than \$80,000.00.

14 (c) Grants. When considering applications for community development
15 block grants and transportation grants, the agency of commerce and
16 community development and the agency of transportation shall give preference
17 to host communities as defined in subsection (a) of this section.

18 Sec. 5. EFFECTIVE DATE

19 This act shall take effect on passage, except for Sec. 3, which shall take
20 effect on July 1, 2010.