

1 H.115

2 Introduced by Representative Poirier of Barre City

3 Referred to Committee on

4 Date:

5 Subject: Corrections; furlough; fines; driver license

6 Statement of purpose: This bill proposes to facilitate successful reentry into  
7 the community by offenders by reinstating a furloughed offender's operator's  
8 license when the primary reason for the suspension is a failure to pay fines.

9 An act relating to reinstating driving privileges for offenders on furlough

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

11 Sec. 1. 28 V.S.A. § 808 is amended to read:

12 § 808. FURLOUGHS GRANTED TO INMATES

13 (a) The department may extend the limits of the place of confinement of an  
14 inmate at any correctional facility if the inmate agrees to comply with such  
15 conditions of supervision the department, in its sole discretion, deems  
16 appropriate for that inmate's furlough. The department may authorize furlough  
17 for any of the following reasons:

18 \* \* \*

19 (8) To prepare for reentry into the community.

20 \* \* \*



1 registration, until the amount due is paid or otherwise satisfied. If the  
2 defendant fails to pay the amount due within 30 days of the notice and the case  
3 is not pending on appeal, the judicial bureau shall provide electronic notice  
4 thereof to the commissioner of motor vehicles who, after 20 days from the date  
5 of receiving the electronic notice, shall suspend the person's operator's license  
6 or privilege to operate and deny, if the person is the sole registrant, the  
7 person's application for renewal of a motor vehicle registration until the  
8 amount due is paid or otherwise satisfied.

9 ~~(e)~~(3) During proceedings conducted pursuant to 4 V.S.A. § 1109, the  
10 hearing officer may apply the following mitigation remedies when the  
11 judgment is based upon a traffic violation:

12 (1) The hearing officer may waive the reinstatement fee required by  
13 section 675 of this title or reduce the amount due on the basis of:

14 (A) the defendant's driving history, ability to pay, or service to the  
15 community;

16 (B) the collateral consequences of the violation; or

17 (C) the interests of justice.

18 (2) The hearing officer may waive the reinstatement fee required by  
19 section 675 of this title and waive or reduce the amount due on the basis of a  
20 recommendation by the department of corrections made pursuant to  
21 28 V.S.A. § 808 if the hearing officer finds that reinstatement of the

1 defendant's operator's license is essential to the defendant's successful  
2 reintegration into the community. In making its determination, the court shall  
3 consider the defendant's ability to obtain employment and to comply with any  
4 court-ordered services or programming designed to reduce the risk of  
5 recidivism if the defendant does not have a valid operator's license.

6 ~~(2)~~(3) The hearing officer may specify a date by which the defendant  
7 shall pay the amount due and may notify the commissioner of motor vehicles  
8 to reinstate the defendant's operator's license or privilege subject to payment  
9 of the amount due by the specified date. If the defendant fails to pay the  
10 amount due by the specified date, the judicial bureau may notify the  
11 commissioner to suspend the defendant's operator's license or privilege. A  
12 license may be reinstated under this subdivision only if the defendant's license  
13 is suspended solely for failure to pay a judicial bureau judgment.

14 ~~(3)~~The (4) Except as provided in 28 V.S.A. § 808, the judicial  
15 officer shall have sole discretion to determine mitigation remedies pursuant to  
16 this subdivision, and the judicial officer's determination shall not be subject to  
17 review or appeal in any court, tribunal, or administrative office.

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on July 1, 2011.