

1 H.78

2 Introduced by Representatives Fagan of Rutland City, Cupoli of Rutland City,

3 Gage of Rutland City, Russell of Rutland City, and Terenzini of

4 Rutland Town

5 Referred to Committee on

6 Date:

7 Subject: Criminal procedures; bail and recognizances; conditions of release;

8 possession of dangerous or deadly weapon

9 Statement of purpose of bill as introduced: This bill proposes to require a

10 court setting a defendant's conditions of release to consider whether the

11 defendant was in possession of a dangerous or deadly weapon at the time of

12 the offense.

13 An act relating to bail, conditions of release, and the possession of a
14 dangerous or deadly weapon

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

16 Sec. 1. 13 V.S.A. § 7554 is amended to read:

17 § 7554. RELEASE PRIOR TO TRIAL

18 * * *

19 (b) In determining which conditions of release to impose under subsection

20 (a) of this section, the judicial officer shall, on the basis of available

1 information, take into account the nature and circumstances of the offense
2 charged, whether at the time of the offense charged the accused was in
3 possession of a dangerous or deadly weapon as defined in subdivision
4 4016(a)(2) of this title, the weight of the evidence against the accused, the
5 accused's family ties, employment, financial resources, character and mental
6 condition, the length of residence in the community, record of convictions, and
7 record of appearance at court proceedings or of flight to avoid prosecution or
8 failure to appear at court proceedings. Recent history of actual violence or
9 threats of violence may be considered by the judicial officer as bearing on the
10 character and mental condition of the accused.

11 * * *

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2013.