

1 S.5

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Corrections; parole; issuance of warrant

6 Statement of purpose: This bill proposes to criminalize the issuance of a  
7 fraudulent arrest warrant by the parole board.

8 An act relating to issuance of a fraudulent arrest warrant by the parole board

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

10 Sec. 1. 28 V.S.A. § 551 is amended to read:

11 § 551. ISSUANCE OF WARRANT; ARREST WITHOUT A WARRANT;  
12 CONFINEMENT PENDING HEARING; AUTHORITY OF  
13 CORRECTIONAL OFFICERS AND LAW ENFORCEMENT  
14 OFFICERS

15 (a) Parole board warrant. The board may issue a warrant for the arrest of a  
16 parolee, or may issue an order, to be served personally upon the parolee,  
17 requiring him or her to appear before the board, if the board has reason to  
18 believe that a violation of parole has occurred. The warrant shall authorize any  
19 law enforcement officers and any correctional officers to return the person to  
20 the custody of a correctional facility.

1 (b) Fugitive from justice. A parolee for whose return a warrant has been  
2 issued by the board, if it is found that a warrant cannot be served, shall be  
3 considered to be a fugitive from justice or to have fled from justice.

4 (c) Arrest of person on parole. Any correctional officer designated by the  
5 ~~commissioner~~ Commissioner may arrest a parolee without a warrant if, in the  
6 judgment of the correctional officer, the person has violated a condition of his  
7 or her parole; or may deputize any other law enforcement officer to do so by  
8 giving him or her a written statement setting forth that the parolee has, in the  
9 judgment of the correctional officer, violated a condition or conditions of his or  
10 her parole. The written statement delivered with the person by the arresting  
11 officer to the supervising officer of the correctional facility to which the person  
12 is brought for detention shall be sufficient warrant for detaining him or her.

13 (d) No right of action. Any parolee arrested and detained in accordance  
14 with the provisions of this chapter shall have no right of action against any law  
15 enforcement officer, correctional officer, employee of the ~~department of~~  
16 ~~corrections~~ Department of Corrections, or any other persons because of such  
17 arrest and detention.

18 (e) Detention pending hearing for parolee. Pending a hearing on the merits  
19 upon any charge of violation, the parolee shall continue to be detained at a  
20 correctional facility. The parole board may authorize the parolee's release  
21 from detention in accordance with the procedures set forth in ~~section~~ 13 V.S.A.

1     § 7554 of Title 13. For the purposes of this section, judicial officer, as defined  
2     in ~~section 13 V.S.A. § 7554(f) of Title 13~~, shall include the chair of the parole  
3     board, or his or her designee. There shall be no right to bail or release.

4     ~~(f) Issuance of a fraudulent warrant. The board shall not issue a warrant~~  
5     ~~unless specifically authorized to do so pursuant to this chapter. Any member~~  
6     ~~of the board who participates in issuing a fraudulent warrant shall be~~  
7     ~~imprisoned for not more than two years or fined not more than \$2,000.00, or~~  
8     ~~both.~~

*(f) Issuance of a fraudulent warrant. The board shall not issue a warrant  
unless specifically authorized to do so pursuant to this chapter.*

9     Sec. 2. EFFECTIVE DATE

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