

1 S.295

2 Introduced by Senators Fox, Ashe, Flory, Sears, and Snelling

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; pretrial screening and services

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 Court to order pretrial screening for a defendant who may be appropriate for
8 substance abuse treatment and permit the Court to order an assessment if
9 warranted by the screening; require the Department of Corrections to establish
10 risk and need assessment tools for use in Vermont for use in the various
11 decision points in the criminal justice system; require the Department of
12 State's Attorneys and Sheriffs to submit a report to the General Assembly
13 regarding alternative programs and services currently available in each county
14 and a plan for implementing a sequential intercept model in each county.

15 An act relating to pretrial services, risk assessments, and criminal justice
16 programs

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

1 Sec. 1. 13 V.S.A. § 7554c and 7554d are added to read:

2 § 7554c. SCREENING FOR THE PURPOSE OF REFERRAL TO

3 SERVICES

4 (a) If the affidavit or information indicates substance abuse treatment may
5 be appropriate for the defendant, the Court shall order the defendant to undergo
6 a screening prior to arraignment or as soon as possible.

7 (b) If screening indicates that substance abuse assessment is appropriate for
8 the defendant, the Court may order the defendant to undergo an assessment. If
9 possible, the Court shall set the date and time for the assessment at
10 arraignment. The order may require the provider of the assessment to confirm
11 the defendant's attendance and participation in the assessment.

12 (c) Information obtained from the defendant during the screening or
13 assessment may not be used as evidence against the defendant in the pending
14 criminal charge or to bring new criminal charges against the defendant. The
15 defendant shall retain all of his or her due process rights throughout the
16 screening and assessment process.

17 § 7554d. RISK AND NEED ASSESSMENT

18 (a) A risk and need assessment shall be conducted for any person detained
19 for a nonviolent misdemeanor or nonviolent felony. The assessment shall take
20 place within three days of the person's arrest.

1 (b) Information obtained from the defendant during the assessment may not
2 be used as evidence against the defendant in the pending criminal charge or to
3 bring new criminal charges against the defendant. The defendant shall retain
4 all of his or her due process rights throughout the assessment process.

5 Sec. 2. RISK AND NEED ASSESSMENT TOOLS

6 (a) The Department of Corrections shall establish risk and need assessment
7 tools for use in Vermont for use in the various decision points in the criminal
8 justice system, including pretrial, community supervision screening,
9 community supervision, prison screening, prison intake, and reentry.

10 (b) The Department shall consult with and have the cooperation of all
11 criminal justice agencies in development and implementation of the tools.

12 (c) The Department shall have the tools available for use on or before
13 September 1, 2014. The Department, the Judiciary, the Defender General, and
14 the Department of State's Attorneys and Sheriffs shall conduct training on the
15 risk assessment tools on or before October 15, 2014.

16 Sec. 3. ALTERNATIVES TO TRADITIONAL CRIMINAL JUSTICE

17 MODEL

18 (a) It is the intent of the General Assembly that law enforcement officials
19 and criminal justice professionals develop and maintain programs at every
20 stage of the criminal justice system to provide alternatives to a traditional
21 punitive criminal justice response for people who can safely, effectively, and

1 justly benefit from those alternative responses. Commonly referred to as the
2 sequential intercept model, this approach was designed to identify five points
3 within the criminal justice system where innovative approaches to offenders
4 and offending behavior could be taken to divert individuals away from a
5 traditional criminal justice response to crime. These intercept points begin in
6 the community with law enforcement interaction with citizens, proceed
7 through arrest, the judicial process, and sentencing, and conclude with release
8 back into communities. Programs may include the employment of
9 police-social workers, community justice centers, community-based dispute
10 resolution, pre-charge programs, pretrial services and case management, drug
11 and DUI treatment courts, suspended fine programs, and offender reentry
12 programs.

13 (b) The Department of State's Attorneys and Sheriffs, in consultation with
14 the Judiciary and the Attorney General, shall develop broad guidelines for
15 these alternative programs.

16 (c) On or before January 5, 2015, the Executive Director of the Department
17 of State's Attorneys and Sheriffs shall report to the General Assembly detailing
18 the alternative response programs that exist in each county together with the
19 protocols for each program, the annual number of persons served by the
20 program, and a plan for how a sequential intercept model can be employed in
21 the county. The report shall be prepared in cooperation with the Directors of

1 Court Diversion and the Community Justice Network and State, municipal, and
2 county law enforcement officials.

3 Sec. 4. EFFECTIVE DATES

4 (a) Sec. 1 shall take effect on November 1, 2014.

5 (b) This section and Secs. 2 (risk and need assessment tools) and 3

6 (alternatives to traditional criminal justice model) shall take effect on passage.