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H.270

Introduced by Representatives Haas of Rochester, Emmons of Springfield,  
Lippert of Hinesburg, and Pugh of South Burlington

Referred to Committee on

Date:

Subject: Criminal procedures; bail and recognizances; release prior to trial

Statement of purpose of bill as introduced: This bill proposes to codify  
definitions used for pretrial screenings and assessments initially employed by  
2014 Act and Resolves No. 195.

An act relating to ~~definitions for~~ pretrial screenings and assessments

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

Sec. 1. 13 V.S.A. § 7576 is amended to read:

§ 7576. DEFINITIONS

As used in this chapter:

(1) “Appearance bond” means a written agreement which allows a  
person charged with a criminal offense to be released if the person pledges to  
pay the court a specified amount in the event the person fails to appear at a  
court proceeding.

1           (2) “Bail” means any security, including cash, pledged to the court to  
2 ensure that a person charged with a criminal offense will appear at future court  
3 proceedings.

4           (3) “Clinical assessment” means the procedures, to be conducted after a  
5 client has been screened, by which a licensed or otherwise approved counselor  
6 identifies and evaluates an individual’s strengths, weaknesses, problems, and  
7 needs for the development of a treatment plan.

8           (4) “Needs screening” means a preliminary systematic procedure to  
9 evaluate the likelihood that an individual has a substance abuse or a mental  
10 health condition.

11           (5) “Risk assessment” means a pretrial assessment that is designed to be  
12 predictive of a person’s failure to appear in court and risk of violating pretrial  
13 conditions of release with a new alleged offense.

14           ~~(3)~~(6) “Secured appearance bond” means a written agreement which  
15 allows a person charged with a criminal offense to be released if:

16           (A) the person pledges to pay the court a specified amount in the  
17 event that the person fails to appear at a court proceeding; and

18           (B) a portion of the bond is paid to the court prior to release.

19           ~~(4)~~(7) “Surety” means:

20           (A) a person who agrees to be responsible for guaranteeing the  
21 appearance in court of a person charged with a criminal offense; or

1           (B) a person who agrees to be responsible for guaranteeing that  
2 another person complies with the conditions of a peace bond under section  
3 7573 of this title.

4           ~~(5)~~(8) “Surety bond” means a written agreement, in a form established  
5 by the court administrator, under which a surety guarantees the appearance in  
6 court of a person charged with a criminal offense, and pledges to pay the court  
7 a specified amount if the person fails to appear.

*Sec. 2. 13 V.S.A. § 7554c is amended to read:*

*§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS*

\* \* \*

*(d)(1) In consideration of the assessment and screening, the court may  
order the person to comply with any of the following conditions:*

*(A) meet with a pretrial monitor on a schedule set by the court;*

*(B) participate in a clinical assessment by a substance abuse or  
mental health treatment provider; and*

*(C) comply with any level of treatment or recovery support  
recommended by the provider;*

*~~(D) provide confirmation to the pretrial monitor of the person’s  
attendance and participation in the clinical assessment and any recommended  
treatment; and~~*

~~(E) provide confirmation to the pretrial monitor of the person's compliance with any other condition of release.~~

\* \* \*

Sec. 3. 12 V.S.A. § 701 is amended to read:

§ 701. SUMMONS

(a) Any law enforcement officer authorized to serve criminal process or a ~~state's attorney~~ State's Attorney may summon a person who commits an offense to appear before a ~~district or superior court~~ District or Superior Court by a summons in such form as prescribed by the ~~court administrator~~ Court Administrator, stating the time when, and the place where, the person shall appear, signed by the enforcement officer or ~~state's attorney~~ State's Attorney and delivered to the person.

(b) When an individual accepts a precharge services contract, the State's Attorney may issue a new citation ordering the individual to court in the event the individual fails to comply with the terms of the contract. The pretrial monitor may provide the citation to the individual at the time the individual accepts the precharge contract. This shall be considered effective service.

(c) A person so summoned shall appear at the time and place stated in the summons delivered to him or her. A person who does not so appear shall be fined not more than \$100.00 or be imprisoned not more than 90 days, or both.

*(e)(d) A person who does not so appear in response to a summons for a traffic offense as defined in ~~section 23~~ V.S.A. § 2201 of Title 23 shall be fined not more than \$100.00.*

1 ~~Sec. 2. EFFECTIVE DATE~~

2 ~~This act shall take effect on July 1, 2015.~~

*Sec. 4. EFFECTIVE DATE*

*This act shall take effect upon passage.*