

Joint Legislative Corrections Oversight Committee (Justice Oversight Committee)  
June 25, 2015: Overview of 2015 Legislation

Act Title	Committee Charge
<p><b>Act No. 58 (H.490)</b></p> <p><b>An act relating to making appropriations for the support of government</b></p>	<p>Joint Legislative Corrections Oversight Committee changed to Joint Legislative Justice Oversight Committee, and scope of statutory duties broadened to include the following:</p> <ol style="list-style-type: none"> <li>1. Evaluate statewide system of pretrial services, court diversion programs, community justice center services, and other relevant programs/services; and determine whether there is variation across the State.</li> <li>2. Make recommendations to GA regarding: <ul style="list-style-type: none"> <li>○ creation of consistent and cost-efficient statewide juvenile justice and criminal justice system</li> <li>○ ensuring juvenile justice and criminal justice statutes reflect principles of restorative justice</li> <li>○ timeliness of judicial proceedings</li> </ul> </li> </ol> <p>Additionally, Sec. E.335.3 requires the Committee to do the following during the 2015 legislative interim:</p> <ol style="list-style-type: none"> <li>1. <b>School discipline.</b> Analyze to what extent the criminal justice system is impacted by school disciplinary matters, including reviewing data on use of exclusionary discipline and analyzing whether student access to education is impaired as a result of disciplinary actions.</li> <li>2. <b>Transports.</b> Review issues related to transports by law enforcement for: <ul style="list-style-type: none"> <li>○ People in the custody of DOC</li> <li>○ Juveniles in the custody of DCF</li> <li>○ People in the custody of DOH</li> </ul> </li> <li>3. <b>Aging DOC facilities.</b> Review and make recommendations on the advisability and feasibility of: <ul style="list-style-type: none"> <li>○ reducing the need for out-of-state beds</li> <li>○ closing a State facility in 2017</li> <li>○ creating centralized facility for all incarcerated men and/or establishing one centralized detention facility for statewide use</li> </ul> </li> <li>4. <b>Cost saving measures.</b> By November, review reports from the Court Administrator, DCF, DOC, the Defender General, and the Department of State's Attorneys and Sheriffs on the estimated fiscal year 2017 avoided costs resulting from the budget and cost-saving measures undertaken during the 2015 legislative session. These reports should include: <ul style="list-style-type: none"> <li>○ Whether there are any reductions in DOC demand for out-of-state beds</li> <li>○ Reductions in demand for sheriffs' transports resulting from expansion of home detention and video conferencing initiatives.</li> </ul> </li> </ol>

Act No. and Title	Act Summary	Reports to Committee
<p><b>Act No. 1 (H.16)</b></p> <p><b>An act relating to requiring an inmate to report to the Sex Offender Registry prior to release from a correctional facility</b></p>	<p>This act requires a sex offender who serves his or her maximum sentence to register with the Department of Public Safety as a sex offender prior to the offender’s release from a correctional facility or within 24 hours of being released from probation, parole, furlough, or a supervised community sentence.</p>	<p>None</p>
<p><b>Act No. 12 (H.270)</b></p> <p><b>An act relating to pretrial screenings and assessments</b></p>	<p>This act codifies existing definitions of “clinical assessment,” “needs screening,” and “risk assessment” as those terms are used for purposes of screening pretrial defendants and strikes language that requires a defendant to communicate with his or her pretrial monitor regarding the person’s compliance with conditions of release. The act also permits a State’s Attorney to dismiss a citation issued to a person who has been accepted into a pre-charge program and to reissue a new citation with a later court date. The new citation is contingent on the person’s performance in the program and is dismissed if the person successfully completes the program. The pretrial monitor is permitted to serve the person with the citation on behalf of the State’s Attorney.</p>	<p>None</p>
<p><b>Act No. 22 (H.62)</b></p> <p><b>An act relating to prohibiting a sentence of life without parole for a person who was under 18 years of age at the time of the commission of the offense</b></p>	<p>This act prohibits a sentence of life without parole for a person who was under 18 years of age at the time of the commission of the offense.</p>	<p>None</p>

Act No. and Title	Act Summary	Reports to Committee
<p><b>Act No. 26 (H.482)</b></p> <p><b>An act relating to capital construction and State bonding</b></p>	<p><i>(Summary of relevant sections)</i></p> <p>Directs the Commissioner of Buildings and General Services to develop a siting proposal for a permanent secure residential facility by January 15, 2016</p> <ul style="list-style-type: none"> <li>○ Requires the Secretary of Human Services to conduct an examination of the needs of the Agency of Human Services for the siting and design of a secure residential facility</li> </ul> <p><u>FY 2016 BGS corrections-related appropriations:</u></p> <ul style="list-style-type: none"> <li>○ Corrections, perimeter intrusion: \$100,000.00</li> <li>○ Corrections, camera and systems: \$100,000.00</li> <li>○ Corrections, security upgrades and enhancements: \$100,000.00</li> </ul> <p><u>FY 2017 BGS corrections-related appropriations:</u></p> <ul style="list-style-type: none"> <li>○ Corrections, perimeter intrusion: \$100,000.00</li> <li>○ Corrections, security upgrades and enhancements: \$100,000.00</li> </ul>	<p>None</p>
<p><b>Act No. 31 (S.13).</b></p> <p><b>An act relating to the Vermont Sex Offender Registry</b></p>	<ul style="list-style-type: none"> <li>○ This act requires the sentencing Court to issue an order stating which Sex Offender Registry requirements apply to a defendant. Under current law, the Vermont Crime Information Center is charged with making these determinations. This act requires the Court to make the determination at sentencing, and if the State carries its burden of establishing the applicability of Sex Offender Registry requirements to the defendant, then the Court issues an order indicating which offense requires the defendant to be on the Registry, any prior convictions that affect the defendant's Registry status, how long the defendant must be registered, and whether the defendant's name must be posted on the Internet.</li> <li>○ The act creates a procedure for a person whose name has been incorrectly placed on the Sex Offender Registry (or who has been subject to any other incorrect Registry</li> </ul>	<p>None to the Justice Oversight Committee, but the Departments of Public Safety and of Corrections must certify to the House and Senate Committees on Judiciary that they have implemented the recommendations of the 2014 audit report and report to the General Assembly that Sex Offender Registry has no critical errors and an error rate of 10% or less for non-critical errors.</p>

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	<p>requirements) to petition the Court to order that the mistake be fixed. If the petition is granted, the Court orders the Department of Public Safety to take any action necessary to correct the error.</p> <ul style="list-style-type: none"> <li>○ The act changes the circumstances under which the address of a sex offender may be posted on the Internet Sex Offender Registry. Under prior law, the offender’s address could not be placed on the Internet until after the State Auditor had given the Registry a “favorable performance audit.” The act repeals the audit requirement and instead provides that an offender’s address cannot be placed on the Internet until the Department of Public Safety: (1) determines that all the information to be posted electronically about the offender is correct; and (2) reports to the General Assembly that the Sex Offender Registry has no critical errors and an error rate of ten percent or less for errors that are not critical errors.</li> </ul>	
<p><b>Act No. 36 (S.115)</b></p> <p><b>An act relating to expungement of convictions based on conduct that is no longer criminal</b></p>	<p>This act expands the scope of the expungement statute in three ways.</p> <ol style="list-style-type: none"> <li>1) Expands the list of crimes which qualify for expungement to include burglary not into an occupied dwelling.</li> <li>2) Allows for expungement petitions for convictions based on conduct that is no longer criminal.</li> <li>3) Provides a mechanism to petition for expungement after five years when the petitioner committed the underlying offense prior to reaching 25 years of age, and when he or she has completed a term of service as approved by the Community Justice Network of Vermont.</li> </ol>	<p>None</p>

Act No. and Title	Act Summary	Reports to Committee
<p><b>Act No. 43 (S.7)</b></p> <p><b>An act relating to bail determinations concerning a defendant charged with lewd and lascivious conduct with a child</b></p>	<p>This act designates lewd and lascivious conduct with a child as a violent offense for the purpose of bail determination under certain circumstances. The act restricts the Court’s ability to order release to the custody of a responsible adult as a pretrial condition to cases where the defendant is charged with a violent offense.</p> <p>The act also requires DOC to adopt rules regarding increasing community housing options for offenders who have served at least their minimum sentence for a nonviolent offense and are eligible to be released on furlough.</p>	<p>Act requires DOC to report to the Corrections Oversight Committee by October 15, 2015 regarding a plan for reducing the growing number of nonviolent offenders being held past their minimum sentence because of the lack of community housing and regarding its proposal for rulemaking. The report must include data for offenders who are held past their minimum sentence for lack of housing, the offenders’ risk levels, and whether they were released and reincarcerated due to violating conditions.</p>
<p><b>Act No. 58 (H.490)</b></p> <p><b>An act relating to making appropriations for State government</b></p>	<p><i>Summary of Sec. E.337 re: Community High School of Vermont</i></p> <p>Required participation expanded to include:</p> <ul style="list-style-type: none"> <li>○ People under 23 years of age under the custody of DOC who have not received a high school diploma (current law)</li> <li>○ Other individuals the Commissioner may approve, including individuals who are enrolled in an alternative justice or diversion program</li> </ul>	<p>None</p>