

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 14
3 entitled “An act relating to a report on criminal justice-related investments and
4 trends” respectfully reports that it has considered the same and recommends
5 that the House propose to the Senate that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 28 V.S.A. § 125 is amended to read:

8 § 125. ~~JUSTICE REINVESTMENT II INITIATIVES~~ CRIMINAL JUSTICE
9 INVESTMENTS AND TRENDS; REPORT

10 (a) Intent. It is the intent of the General Assembly that the report on
11 Vermont’s criminal justice investments and trends required under this section
12 assist in the systemic assessment of the State’s Justice Reinvestment efforts
13 and initiatives to inform future legislative policy and fiscal decisions.

14 (b) Definitions. As used in this section:

15 (1) “Arrest” means when a person is seized by law enforcement,
16 charged with the commission of an offense, and referred for prosecution.

17 (2) “Clearance” means the process by which a law enforcement agency
18 closes an offense by arrest or exceptional means in accordance with the
19 Federal Bureau of Investigation’s Uniform Crime Reporting Program.

1 (3) “Desistance” means the process by which criminality, or the
2 individual risk for antisocial conduct, declines over the life-course of the
3 individual, generally after adolescence.

4 (4) “Exceptional means” means the death of the offender, the victim’s
5 refusal to cooperate with the prosecution after the offender is identified, the
6 denial of extradition because the offender committed a crime in another
7 jurisdiction and is being prosecuted for that offense, or other circumstance in
8 accordance with the Federal Bureau of Investigation’s Uniform Crime
9 Reporting Program.

10 (5) “Recidivism” has the same meaning as in section 4 of this title.

11 (c) Report.

12 (1) On ~~or before January~~ November 15 each year, 2024 and every three
13 years thereafter, the ~~Commissioner of Corrections~~ Vermont Statistical Analysis
14 Center (SAC), in consultation with the Commissioners of Corrections, of
15 Health, of Mental Health, of Public Safety, of Labor, and for Children and
16 Families ~~and~~; the Attorney General; the Chief Superior Judge of the Superior
17 Court; the Division of Racial Justice Statistics; and the Parole Board Director,
18 shall submit a report to the House Committees on Appropriations, on
19 Judiciary, and on Corrections and Institutions ~~and~~, the Senate Committees on
20 Appropriations and on Judiciary ~~detailing the expenditures on Justice~~
21 Reinvestment II and the following related initiatives:

1 ~~(1) funding for domestic violence intervention programming in the~~
2 ~~Department of Corrections;~~

3 ~~(2) funding for offender transitional housing capacity with the~~
4 ~~Department of Corrections and other departments;~~

5 ~~(3) funding for the Department of Correction’s data collection Offender~~
6 ~~Management System;~~

7 ~~(4) funding for community based mental health and substance use~~
8 ~~services for individuals under Department of Corrections supervision;~~

9 ~~(5) funding provided for diversion and restorative justice programs~~
10 ~~including community justice centers, court diversion, and balanced and~~
11 ~~restorative justice (BARJ); and~~

12 ~~(6) funding and a description of any other General Fund expenditures~~
13 ~~for Justice Reinvestment II initiatives., the Joint Legislative Justice Oversight~~
14 ~~Committee, and the Executive Director of the Office of Racial Equity~~
15 ~~examining the trends associated with Vermont’s criminal justice-related~~
16 ~~investments and expenditures since the last report was submitted pursuant to~~
17 ~~this section.~~

18 (2) The report required pursuant to subdivision (1) of this subsection
19 shall include data showing:

20 (A) recidivism rates;

21 (B) clearance rates;

1 (C) evidence of desistance, including successful completion of
2 community supervision;

3 (D) returns to incarceration from community supervision with the
4 following relevant data points:

5 (i) community supervision type, classified by probation, parole,
6 and furlough;

7 (ii) an indication if a return was for a violation or a new charge,
8 including the crime type;

9 (iii) an indication if a violation was classified as “significant/not
10 violent” or “significant and violent” for any applicable statuses; and

11 (iv) all available demographic information;

12 (E) bail rates, including detainees held without bail, detainees held
13 with bail and the associated monetary amounts, and bailees who post bail and
14 are released;

15 (F) pretrial detainees held in Vermont correctional facilities,
16 including the crime type and jurisdiction for which they are held;

17 (G) the funding for, and utilization of, substance use, mental health,
18 educational, and vocational initiatives for incarcerated individuals; and

19 (H) the funding for, and utilization by, individuals served through
20 Justice Reinvestment II and related initiatives, including:

1 (i) domestic violence intervention programming in the Department
2 of Corrections, including the results from the evaluation framework between
3 the Vermont Network Against Domestic and Sexual Violence and the
4 University of Nebraska;

5 (ii) offender transitional housing capacity with the Department of
6 Corrections and other departments;

7 (iii) advancements to the Department of Corrections' data
8 collection Offender Management System;

9 (iv) agencies, departments, municipalities, programs, and services
10 employing restorative justice principles, including community justice centers;

11 (v) other General Fund expenditures for Justice Reinvestment II
12 initiatives;

13 (vi) the Department of Corrections' out-of-state beds contracted
14 by the Department and the average cost per bed in fiscal year 2019 and for
15 each fiscal year thereafter; and

16 (vii) the Department of Corrections' in-state beds, separated by
17 gender, including specialty units and units closed or unavailable in fiscal year
18 2019 and for each fiscal year thereafter.

19 ~~(b) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall~~
20 ~~not apply to the report to be made under this section.~~

21 (d) Informational availability.

1 (1) The information required pursuant to subsection (c) of this section
2 shall include race, gender, age, and other demographic variables whenever
3 possible.

4 (2) The report required pursuant to subsection (c) of this section shall
5 explain any obstacles or impediments to the availability and collectability of
6 data required pursuant to this section, including whether collecting certain data
7 would put particular populations at risk, along with the substance use and
8 mental health needs and educational and vocational status of justice-involved
9 individuals.

10 (e) Data sharing. Notwithstanding any provision of law to the contrary, all
11 State and local agencies and departments that possess the data necessary to
12 compile the report required pursuant to this section shall, upon request, provide
13 SAC with any data that it determines is relevant to the report. The obligation
14 to disclose shall supersede any other legal obligation with respect to the data
15 required pursuant to this section, and a department, agency, or other entity
16 shall not decline to disclose data required based on any other purported legal
17 obligation.

18 (f) Confidentiality. Any data or records transmitted to or obtained by SAC
19 are exempt from public inspection and copying under the Public Records Act
20 and shall be confidential to the extent required by law unless and until the data
21 or records are included in the report required by this section. A State or local

1 agency or department that transmits data or records to SAC shall be the sole
2 records custodian for purposes of responding to requests for the data or
3 records. SAC may direct any request for these data or records to the
4 transmitting agency or department for response.

5 Sec. 2. SUNSET OF REPORT

6 28 V.S.A. § 125 is repealed on July 1, 2028.

7 Sec. 3. 28 V.S.A. § 126 is added to read:

8 § 126. JUSTICE REINVESTMENT SPECIAL FUND

9 (a) There is established the Justice Reinvestment Special Fund, which shall
10 be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. The
11 purpose of this Fund shall be to support Justice Reinvestment in Vermont,
12 which is a data-driven approach to improve public safety, reduce corrections
13 and related criminal justice spending, and reinvest savings in strategies that can
14 decrease crime and delinquencies, as well as reduce recidivism. The Fund's
15 monies shall be used to financially support publicly and privately administered
16 community-based service programs of Vermont's Justice Reinvestment
17 initiatives, including domestic violence intervention programming, offender
18 transitional services, and community justice entities that receive State funding
19 for programs and services employing restorative justice principles.

20 (b) The Justice Reinvestment Special Fund shall consist of:

- 1 (1) any unexpended funds for the Department of Corrections’ out-of-
2 state beds;
3 (2) fund transfers made pursuant to section 127 of this title; and
4 (3) appropriations by the General Assembly.

5 Sec. 4. 28 V.S.A. § 127 is added to read:

6 § 127. JUSTICE REINVESTMENT; BUDGET; FUNDS TRANSFER

7 (a) The Commissioner of Corrections shall include a separate line item for
8 the Justice Reinvestment Special Fund in the proposed annual budget for the
9 Department of Corrections.

10 (b) The Commissioner of Corrections shall transfer not less than
11 \$900,000.00 in any single fiscal year to the Justice Reinvestment Special Fund
12 from funds appropriated to the Department of Corrections by the General
13 Assembly.

14 (c) Funds may be transferred pursuant to this section without further
15 approval or appropriation by the General Assembly.

16 Sec. 5. 28 V.S.A. § 128 is added to read:

17 § 128. JUSTICE REINVESTMENT ADVISORY COUNCIL

18 (a) Creation. There is created the Justice Reinvestment Advisory Council
19 to support Justice Reinvestment in Vermont, which is a data-driven approach
20 to improve public safety, reduce corrections and related criminal justice
21 spending, and reinvest savings in strategies that can decrease crime and

1 delinquencies, as well as reduce recidivism. In furtherance of its Justice
2 Reinvestment support objective, the Council shall review and provide data-
3 driven recommendations related to priorities and appropriations for Justice-
4 Reinvestment initiatives.

5 (b) Membership. The Justice Reinvestment Advisory Council shall be
6 composed of the following members:

7 (1) the Attorney General or designee;

8 (2) the Chief Superior Judge of the Vermont Superior Court or designee;

9 (3) the Commissioner of Corrections or designee;

10 (4) the Commissioner for Children and Families or designee;

11 (5) the Executive Director of the Vermont Center for Crime Victim

12 Services;

13 (6) the Executive Director of the Vermont Statistical Analysis Center or

14 designee;

15 (7) one current member of the House of Representatives selected from

16 the Committee on Appropriations, the Committee on Corrections and

17 Institutions, or the Committee on Judiciary, appointed by the Speaker of the

18 House; and

19 (8) one current member of the Senate selected from the Committee on

20 Appropriations or the Committee on Judiciary, appointed by the Committee on

21 Committees.

1 (c) Powers and duties. The Justice Reinvestment Advisory Council shall:

2 (1) Review all legislative appropriations and reauthorizations related to
3 Justice Reinvestment initiatives made during the most recent fiscal year.

4 (2) Consult with Department of Mental Health, the Department of
5 State’s Attorneys and Sheriffs, the Office of the Defender General, the
6 Vermont Network Against Domestic and Sexual Violence, and community
7 justice entities that receive State funding for programs and services employing
8 restorative justice principles on the potential uses and priorities of funding for
9 Justice Reinvestment initiatives.

10 (3) On or before November 15, 2023, and annually thereafter,
11 recommend to the Commissioner of Finance and Management the appropriate
12 allocation of funds from the Justice Reinvestment Special Fund for the
13 purposes of developing the State budget required to be submitted to the
14 General Assembly pursuant to 32 V.S.A. § 306. All recommendations from
15 the Council should prioritize the use of unexpended out-of-state beds funds to
16 support Justice Reinvestments initiatives that are community based.

17 (4) On or before November 15, 2023, and annually thereafter,
18 recommend to the Commissioner of Corrections the appropriate allocation of
19 the Department of Corrections’ funds to support community-based Justice
20 Reinvestment initiatives for the purposes of developing the State budget
21 required to be submitted to the General Assembly pursuant to 32 V.S.A. § 306.

1 (d) Assistance. The Justice Reinvestment Advisory Council shall have
2 the administrative, technical, and legal assistance of the Office of the Attorney
3 General, the Department of Corrections, and the Department for Children and
4 Families for those issues and services within the jurisdiction of the respective
5 office or department.

6 (e) Report. On or before November 15, 2023 and annually thereafter, the
7 Justice Reinvestment Advisory Council shall submit its recommendations
8 pursuant to subdivisions (c)(3) and (c)(4) of this section to the Senate
9 Committees on Appropriations and on Judiciary and the House Committees on
10 Appropriations, on Corrections and Institutions, and on Judiciary.

11 (f) Meetings; officers; committees; rules; compensation; term.

12 (1) The Chief Superior Judge of the Vermont Superior Court or designee
13 shall call the first meeting of the Justice Reinvestment Advisory Council on or
14 before July 15, 2023.

15 (2) The Chief Superior Judge of the Vermont Superior Court or designee
16 shall serve as the Chair of the Council.

17 (3) The Council may elect additional officers from its members,
18 establish committees or subcommittees, and adopt procedural rules or bylaws
19 as necessary and appropriate to perform its work.

20 (4) Members who are appointed to the Council shall be appointed for
21 terms of three years, except that initial appointments shall be made such that

1 two members appointed by the Governor shall be appointed for a term of one
2 year. Vacancies on the Council shall be filled for the remaining period of the
3 term in the same manner as initial appointments.

4 (5) A majority of the membership shall constitute a quorum.

5 (6) Members of the Council who are not employees of the State of
6 Vermont and who are not otherwise compensated or reimbursed for their
7 attendance shall be entitled to compensation and reimbursement of expenses
8 pursuant to 32 V.S.A. § 1010.

9 Sec. 6. EFFECTIVE DATE

10 This act shall take effect on passage, except that Secs. 3 (Justice
11 Reinvestment Special Fund) and 4 (justice reinvestment; budget; transfer) shall
12 take effect on October 1, 2023.

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18 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE