

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Corrections and Institutions to which was referred Senate
3 Bill No. 285 entitled “An act relating to the furlough of offenders 65 years of
4 age and older” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 13 V.S.A. § 7554b is amended to read:

9 § 7554b. HOME DETENTION PROGRAM

10 (a) Definition. As used in this section, "home detention" means a program
11 of confinement and supervision that restricts a defendant to a preapproved
12 residence continuously, except for authorized absences, and is enforced by
13 appropriate means of surveillance and electronic monitoring by the Department
14 of Corrections. The Court may authorize scheduled absences such as work,
15 school, or treatment. Any changes in the schedule shall be solely at the
16 discretion of the Department of Corrections. A defendant who is on home
17 detention shall remain in the custody of the Commissioner of Corrections with
18 conditions set by the court.

19 (b) Procedure. The status of a defendant who is detained pretrial ~~for more~~
20 ~~than seven days~~ in a correctional facility for lack of bail may be reviewed by
21 the court to determine whether the defendant is appropriate for home detention.

1 The request for review may be made by either the Department of Corrections
2 or the defendant. After a hearing, the Court may order that the defendant be
3 released to the Home Detention Program, providing that the court finds placing
4 the defendant on home detention will reasonably assure his or her appearance
5 in court when required and the proposed residence is appropriate for home
6 detention. In making such a determination, the Court shall consider:

7 (1) the nature of the offense with which the defendant is charged;

8 (2) the defendant's prior convictions, history of violence, medical and
9 mental health needs, history of supervision, and risk of flight; and

10 (3) any risk or undue burden to other persons who reside at the proposed
11 residence or risk to third parties or to public safety that may result from such
12 placement.

13 (c) Failure to comply. The Department of Corrections may revoke a
14 defendant's home detention status for an unauthorized absence or failure to
15 comply with any other condition of the Program and shall return the defendant
16 to a correctional facility.

17 and that after passage the title of the bill be amended to read: "An act relating
18 to home detention".

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4 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE