

1 S.285

2 Introduced by Senator Sears

3 Referred to Committee on Institutions

4 Date: January 7, 2014

5 Subject: Public institutions and corrections; supervision of adult inmates at the
6 correctional facilities; care of inmates; furloughs granted to offenders

7 Statement of purpose of bill as introduced: This bill proposes to extend
8 furlough automatically to an offender who has served his or her minimum
9 sentence and has reached 65 years of age.

10 An act relating to the furlough of offenders 65 years of age and older

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

12 ~~Sec. 1. 28 V.S.A. § 808 is amended to read.~~

13 § 808. FURLOUGHS GRANTED TO OFFENDERS

14 (a)(1) The Department may extend the limits of the place of confinement of
15 an offender at any correctional facility if the offender agrees to comply with
16 such conditions of supervision the Department, in its sole discretion, deems
17 appropriate for that offender's furlough. The Department may authorize
18 furlough for any of the following reasons:

19 ~~(1)(A) To visit a critically ill relative.~~

20 ~~(2)(B) To attend the funeral of a relative.~~

- 1 ~~(3)(C) To obtain medical services.~~
- 2 (4)(D) To contact prospective employers.
- 3 ~~(5)(E) To secure a suitable residence for use upon discharge.~~
- 4 ~~(6)(F) To continue the process of reintegration initiated in a correctional~~
5 ~~facility. The offender may be placed in a program of conditional reentry status~~
6 ~~by the Department upon the offender's completion of the minimum term of~~
7 ~~sentence. While on conditional reentry status, the offender shall be required to~~
8 ~~participate in programs and activities that hold the offender accountable to~~
9 ~~victims and the community pursuant to section 2a of this title.~~
- 10 (2) The Department shall authorize furlough for an offender at any
11 correctional facility immediately upon the offender's having served the
12 minimum term of his or her sentence for a nonviolent misdemeanor or
13 nonviolent felony if the offender is 65 years of age or older and agrees to
14 comply with such conditions of supervision the Department, in its sole
15 discretion, deems appropriate for that offender's furlough.
- 16 (b) An offender granted a furlough pursuant to this section may be
17 accompanied by an employee of the Department, in the discretion of the
18 Commissioner, during the period of the offender's furlough. The Department
19 may use electronic monitoring equipment such as global position monitoring,
20 ~~automated voice recognition telephone equipment, and transdermal alcohol~~

1 ~~monitoring equipment to enable more effective or efficient supervision of~~
2 individuals placed on furlough.

3 (c) The extension of the limits of the place of confinement authorized by
4 this section shall in no way be interpreted as a probation or parole of the
5 offender, but shall constitute solely a permitted extension of the limits of the
6 place of confinement for offenders committed to the custody of the
7 Commissioner.

8 (d) When any enforcement officer, as defined in 23 V.S.A. § 4, employee
9 of the Department, or correctional officer responsible for supervising an
10 offender believes the offender is in violation of any verbal or written condition
11 of the furlough, the officer or employee may immediately lodge the offender at
12 a correctional facility or orally or in writing deputize any law enforcement
13 officer or agency to arrest and lodge the offender at such a facility. The officer
14 or employee shall subsequently document the reason for taking such action.

15 (e) The Commissioner may place on medical furlough any offender who is
16 serving a sentence, including an offender who has not yet served the minimum
17 term of the sentence, who is diagnosed as suffering from a terminal or
18 debilitating condition so as to render the offender unlikely to be physically
19 capable of presenting a danger to society. The Commissioner shall develop a
20 policy regarding the application for, standards for eligibility of and supervision
21 ~~of persons on medical furlough. The offender may be released to a hospital,~~

1 ~~hospice, other licensed inpatient facility, or other housing accommodation~~

2 deemed suitable by the Commissioner.

3 (f) While appropriate community housing is an important consideration in
4 release of offenders, the Department of Corrections shall not use lack of
5 housing as the sole factor in denying furlough to offenders who have served at
6 least their minimum sentence for a nonviolent misdemeanor or nonviolent
7 felony provided that public safety and the best interests of the offender will be
8 served by reentering the community on furlough.

9 (g) Subsections (b)-(f) of this section shall also apply to sections 808a and
10 808c of this title.

11 Sec. 2. EFFECTIVE DATE

12 ~~This act shall take effect on July 1, 2014.~~

Sec. 1. 28 V.S.A. § 808 is amended to read:

§ 808. FURLOUGHS GRANTED TO OFFENDERS

(a)(1) The Department may extend the limits of the place of confinement of an offender at any correctional facility if the offender agrees to comply with such conditions of supervision the Department, in its sole discretion, deems appropriate for that offender's furlough. The Department may authorize furlough for any of the following reasons:

(1)(A) To visit a critically ill relative.

(2)(B) To attend the funeral of a relative.

(3)(C) To obtain medical services.

(4)(D) To contact prospective employers.

(5)(E) To secure a suitable residence for use upon discharge.

(6)(F) To continue the process of reintegration initiated in a correctional facility. The offender may be placed in a program of conditional reentry status by the Department upon the offender's completion of the

minimum term of sentence. While on conditional reentry status, the offender shall be required to participate in programs and activities that hold the offender accountable to victims and the community pursuant to section 2a of this title.

(2) The Department may authorize furlough for an offender immediately upon the offender's having served the minimum term of his or her sentence for a qualifying offense if the offender is 65 years of age or older and agrees to comply with such conditions of supervision the Department, in its sole discretion, deems appropriate for that offender's furlough. As used in this subsection, "qualifying offense" means a nonviolent misdemeanor or nonviolent felony, but shall not include any offense for which registration as a sex offender is required pursuant to 13 V.S.A. chapter 167, subchapter 3 or a registry violation subject to the penalties of 13 V.S.A. § 5409.

(b) An offender granted a furlough pursuant to this section may be accompanied by an employee of the Department, in the discretion of the Commissioner, during the period of the offender's furlough. The Department may use electronic monitoring equipment such as global position monitoring, automated voice recognition telephone equipment, and transdermal alcohol monitoring equipment to enable more effective or efficient supervision of individuals placed on furlough.

(c) The extension of the limits of the place of confinement authorized by this section shall in no way be interpreted as a probation or parole of the offender, but shall constitute solely a permitted extension of the limits of the place of confinement for offenders committed to the custody of the Commissioner.

(d) When any enforcement officer, as defined in 23 V.S.A. § 4, employee of the Department, or correctional officer responsible for supervising an offender believes the offender is in violation of any verbal or written condition of the furlough, the officer or employee may immediately lodge the offender at a correctional facility or orally or in writing deputize any law enforcement officer or agency to arrest and lodge the offender at such a facility. The officer or employee shall subsequently document the reason for taking such action.

(e) The Commissioner may place on medical furlough any offender who is serving a sentence, including an offender who has not yet served the minimum term of the sentence, who is diagnosed as suffering from a terminal or debilitating condition so as to render the offender unlikely to be physically capable of presenting a danger to society. The Commissioner shall develop a policy regarding the application for, standards for eligibility of and supervision of persons on medical furlough. The offender may be released to a

hospital, hospice, other licensed inpatient facility, or other housing accommodation deemed suitable by the Commissioner.

(f) While appropriate community housing is an important consideration in release of offenders, the Department of Corrections shall not use lack of housing as the sole factor in denying furlough to offenders who have served at least their minimum sentence for a nonviolent misdemeanor or nonviolent felony provided that public safety and the best interests of the offender will be served by reentering the community on furlough.

(g) Subsections (b)-(f) of this section shall also apply to sections 808a and 808c of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.