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MEMORANDUM

To: Senator Richard Sears and Representative Bill Lippert
From: Robert L. Sand
Date: May 6, 2014
Re: S.295

The following is a section-by-section summary of House Amendments to S.295 as passed by the Senate.

Section 1: Legislative Findings

- Moves Section 4(a) from Senate bill here concerning alternative justice programs
- Adds (e) definitions of Risk Assessment, Needs Screening, and Clinical Assessments
- Adds (h) re: cost savings from early treatment intervention

Section 2: Pretrial Risk Assessments; Needs Screening

- Adds (a)(2) on the objective of needs screening
- Adds (a)(3) to indicate no entitlement to any outcome based on participating in screening/assessment
- Combines (b)(1) and (b)(2) into (b)(1) and creates 5 categories of offenses/statuses who shall be offered a screening and assessment
- Adds (b)(4) to make clear that pendency of other charges or VOP will not preclude screening/assessment unless other charge or VOP is a listed crime
- Adds (b)(5) to clarify that court retains its customary "condition of release" authority
- Adds (b)(6) to designate the Administrative Judge with the Secretary of AHS and the Commissioner of DOC to develop plan for statewide rollout of categories created in (b)(1). All groups to be rolled out by January 2016. Rollout to be uniform throughout the state by group. This is not a regional rollout.
- Adds (e)(3) to clarify the requirements of confidentiality through Vermont Supreme Court and DOC rulemaking
- Adds (f) to require the Administrative Judge to develop guidelines to help ensure uniform use of the monitors based on the risk and needs of the defendant

Section 3: Risk Assessment and Needs Screening Tools and Services

- (a) Removes the “validate” language in recognition that validation of instruments is an on-going process
- (c) Requires the contract positions to comply with any evaluation conducted on pretrial services
- (e) Changes name of “compliance monitor” to “pretrial monitor”
- (e)(4) Adds that the pretrial monitor’s duties includes working with precharge programs (moving this from Section 5 of Senate bill)
- (f)(2) Charges AHS, with judiciary support, to conduct full study of program
- (g) Elaborates on how program should integrate with other existing AHS efforts

Section 4: Prosecutor Precharge Program Guidelines and Reporting

- Renames section
- Moves “alternative justice” language to Section 1 on legislative intent from Section 4(a) of Senate bill
- (a) Clarifies that State’s Attorney shall develop guidelines for precharge programs only not all alternative justice programs

Section 5: Precharge Programs

- Section removed as this section now already covered by other changes

Sections 6 and 7: Restitution

- Both sections removed at request of restitution unit to allow unit to work on funding and collection mechanism to allow for restitution payments to victims for cases in alternative justice programs

Section 8: Transportation of Drugs

- Designates transportation of any drug into the state as an aggravating sentencing factor upon a felony conviction for dispensing or selling of the drug

Section 9: Burglary

- Accepts the Senate definition of “occupied dwelling”
- (c)(2) creates aggravating sentencing factors rather than new offenses for:
 - Entering a building when a person present
 - Using or threatening force
 - Carrying a dangerous or deadly weapon

Section 10: Department of Public Safety Report

- Unchanged

Section 11: DVHA Authority

- Clarifies that sanctions should apply whether the bad faith prescriber practices within or outside the state

Section 12: Continued Medication Assisted Treatment for Incarcerated Persons

- Develops one year pilot program for MAT for people who are incarcerated at a time when they are already enrolled in an MAT program

Section 13: VPMS Query

- Expands on the requirements for prescribers (Medicaid participants and others) to query the VPMS initially and at regular intervals

Section 14: Medication Assisted Therapy; Rulemaking

- Wording changes but preserves intent of the section

Section 15: Naloxone Hydrochloride; Dispensing or Furnishing

- (a) Requires pharmacy protocols for dispensing of naloxone to patients who do not have a prescription

Section 16: No section

Section 16(a): Department of Corrections and Health Care Reform

- Requires all of AHS to assist DOC in enacting Affordable Care Act and requires DOC to include substance abuse and mental health services in RFP's for inmate health services

Section 17: Immunity from Liability

- (g) adds language to create drafting consistency in the statute

Section 18: Effective Dates

- Adjusts effective dates to reflect changes set out above