

1 H.28

2 Introduced by Representative Wizowaty of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Public institutions and corrections; out-of-state correctional facilities

6 Statement of purpose of bill as introduced: This bill proposes to prohibit the
7 transfer of a Vermont inmate to a privately owned or operated out-of-state
8 correctional facility unless living conditions at that facility meet or exceed
9 those in Vermont.

10 An act relating to transferring inmates to out-of-state correctional facilities

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

12 Sec. 1. POLICY

13 The General Assembly finds that it is a long-standing goal of the State of
14 Vermont to decrease the use of out-of-state correctional facilities. Since 2009,
15 the Department of Corrections has reduced the number of inmates placed in
16 out-of-state facilities by almost 25 percent. The General Assembly commends
17 the Department for its ongoing efforts, but recognizes that more work needs to
18 be done to eliminate the need to send Vermont inmates to out-of-state
19 facilities. The purpose of this bill is to provide a framework for first reducing
20 and then eliminating the State's reliance on out-of-state correctional facilities.

1 Sec. 4. 28 V.S.A. § 102 is amended to read:

2 § 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;
3 POWERS; RESPONSIBILITIES

4 * * *

5 (b) The ~~commissioner~~ Commissioner is charged with the following powers:

6 * * *

7 (5) To order the assignment and transfer of persons committed to the
8 custody of the ~~commissioner~~ Commissioner to correctional facilities, including
9 out-of-state public correctional facilities, as defined by section 3 of this title.

10 * * *

11 Sec. 5. 28 V.S.A. § 702a is added to read:

12 § 702a. TRANSFER TO AN OUT-OF-STATE FACILITY

13 (a) The Department of Corrections shall maintain and continually update a
14 record of the living conditions at each correctional facility located in the state,
15 including the size of living and recreation space, the types of health care and
16 other services, and the programming that is available. This record shall be
17 reported annually to the Joint Committee on Corrections Oversight, the House
18 Committee on Corrections and Institutions, the Senate Committee on
19 Institutions, and the House and Senate Committees on Judiciary.

20 (b) The Commissioner of Corrections may transfer any inmate committed
21 to his or her custody to an out-of-state public correctional facility, as defined

1 by section 3 of this title, provided that the Commissioner first determines that
2 the out-of-state public correctional facility meets or exceeds the standards
3 adopted in accordance with subsection (a) of this section of the in-state
4 correctional facility to which the inmate would otherwise have been assigned,
5 and that the out-of-state public correctional facility remains accredited by both
6 the American Correctional Association and the National Committee on
7 Correctional Health Care (“accreditation”).

8 (c) If the Commissioner determines that an out-of-state public correctional
9 facility housing Vermont inmates fails at any time to maintain its accreditation
10 or meet the standards adopted in accordance with subsection (a) of this section,
11 he or she shall transfer all Vermont inmates from that facility to a facility or
12 facilities that comply with the requirements of this section.

13 Sec. 6. REPORT

14 On or before September 15, 2013, the Department of Corrections shall
15 report to the Joint Committee on Corrections Oversight, the House and Senate
16 Committees on Judiciary, the House Committee on Corrections and
17 Institutions, and the Senate Committee on Institutions on how it will eliminate
18 all out-of-state placements within three years. This report may include plans
19 for reducing the number of nonviolent offenders in jail or replacing or
20 improving existing facilities. The Department shall include the estimated costs
21 and anticipated savings for each plan submitted.

1 Sec. 7. EFFECTIVE DATES

2 This act shall take effect on July 1, 2013, except Sec. 4 (Commissioner of
3 Corrections; appointment; powers; responsibilities) of this act, which shall take
4 effect on July 1, 2014.