

1 H.574

2 Introduced by Representative Wizowaty of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; bail and recognizances; home
6 detention program

7 Statement of purpose of bill as introduced: This bill proposes to establish a
8 rebuttable presumption that a person who is charged with a crime shall be
9 eligible for home detention while awaiting disposition of the charges if the
10 person is a custodial parent of a minor child.

11 An act relating to eligibility for home detention

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

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

14 § 7554b. HOME DETENTION PROGRAM

15 (a) Definition. As used in this section, “home detention” means a program
16 of confinement and supervision that restricts a defendant to a preapproved
17 residence continuously, except for authorized absences, and is enforced by
18 appropriate means of surveillance and electronic monitoring by the ~~department~~
19 ~~of corrections~~ Department of Corrections. The ~~court~~ Court may authorize
20 scheduled absences such as work, school, or treatment. Any changes in the

1 schedule shall be solely at the discretion of the ~~department of corrections~~
2 Department of Corrections. A defendant who is on home detention shall
3 remain in the custody of the ~~commissioner of the department of corrections~~
4 Commissioner of Corrections with conditions set by the ~~court~~ Court.

5 (b) Procedure.

6 (1) The status of a defendant who is detained pretrial for more than
7 seven days in a correctional facility for lack of bail may be reviewed by the
8 ~~court~~ Court to determine whether the defendant is appropriate for home
9 detention. The request for review may be made by either the ~~department of~~
10 ~~corrections~~ Department of Corrections or the defendant. After a hearing, the
11 ~~court~~ Court may order that the defendant be released to the home detention
12 program, providing that the ~~court~~ Court finds placing the defendant on home
13 detention will reasonably assure his or her appearance in ~~court~~ Court when
14 required and the proposed residence is appropriate for home detention. In
15 making such a determination, the ~~court~~ Court shall consider:

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

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

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

1 (2) There shall be a rebuttable presumption that home detention is
2 appropriate for a defendant who would otherwise be incarcerated who is the
3 custodial parent for a minor child.

4 (c) Failure to comply. The ~~department of corrections~~ Department of
5 Corrections may revoke a defendant's home detention status for an
6 unauthorized absence or failure to comply with any other condition of the
7 program and shall return the defendant to a correctional facility.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2014.