

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 295
3 entitled “An act relating to pretrial services, risk assessments, and criminal
4 justice programs” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 7554c is added to read:

8 § 7554c. RISK ASSESSMENTS; NEEDS SCREENINGS

9 (a)(1) If substance abuse is indicated for a person arrested or cited for an
10 eligible offense, the person shall be offered a risk assessment and, if
11 appropriate, a needs screening at booking or as close to booking as possible,
12 prior to arraignment. Participation in an assessment or screening shall be
13 voluntary. As used in this section, “eligible offense” means any offense that is
14 not a listed crime pursuant to section 5301 of this title, except that burglary
15 into an occupied dwelling pursuant to section 1201 of this title shall also
16 qualify as an eligible offense.

17 (2) A risk assessment and, if appropriate, a needs screening may be
18 offered to any person arrested and charged with an offense for which bail is
19 permitted under this chapter. Participation in an assessment or screening shall
20 be voluntary.

1 (b) The results of the assessment and screening shall be provided to the
2 person and his or her attorney, the prosecutor, and the Court.

3 (c) If the assessment or screening indicates that a substance abuse
4 assessment is appropriate:

5 (1) The prosecutor, as a condition of the person’s participation in an
6 alternative justice program, may require:

7 (A) the person to undergo an assessment by a substance abuse
8 treatment provider;

9 (B) the person to comply with any treatment recommended by the
10 provider; and

11 (C) any other conditions deemed appropriate.

12 (2)(A) The Court may:

13 (i) order the person to undergo an assessment by a substance abuse
14 treatment provider;

15 (ii) require compliance with any treatment recommended by the
16 provider; or

17 (iii) order any other conditions deemed appropriate by the Court.

18 (B) If possible, the Court shall set the date and time for the
19 assessment at arraignment. The order may require confirmation of the
20 person’s attendance and participation in the assessment and any recommended

1 treatment, in addition to compliance with any other conditions deemed
2 appropriate.

3 (d) Information obtained from the person during the risk assessment or
4 needs screening may not be used as evidence against the person in the pending
5 criminal charge or to bring new criminal charges against the person. The
6 person shall retain all of his or her due process rights throughout the
7 assessment and screening process.

8 Sec. 2. RISK AND NEEDS SCREENING TOOLS AND SERVICES

9 (a) The Department of Corrections shall establish Vermont-validated risk
10 assessment and needs screening tools for use in the various decision points in
11 the criminal justice system, including pretrial, community supervision
12 screening, community supervision, prison screening, prison intake, and reentry.

13 (b) The Department shall consult with and have the cooperation of all
14 criminal justice agencies in selection and implementation of the tools.

15 (c) The Department shall have the tools available for use on or before
16 September 1, 2014. The Department, the Judiciary, the Defender General, and
17 the Department of State's Attorneys and Sheriffs shall conduct training on the
18 risk assessment tools on or before October 15, 2014.

19 (d) The Department, in consultation with law enforcement agencies and the
20 courts, and to the extent and in such amounts as are appropriated, shall contract
21 for or otherwise provide pretrial services described in this section, including

1 performance of risk assessments, needs screenings, and compliance
2 monitoring.

3 (e)(1) Compliance monitoring shall include:

4 (A) reporting to the Court;

5 (B) reporting to the prosecutor, if the person is participating in an
6 alternative justice program; and

7 (C) providing information pertaining to compliance with all
8 conditions of pretrial release or other conditions imposed on each person under
9 the compliance officer's supervision.

10 (2) A compliance officer shall report to the Court or to the prosecutor, if
11 the person is participating in an alternative justice program, the following:

12 (A) if the person violates conditions;

13 (B) if the person is arrested; or

14 (C) if the person poses a danger to another person or to the
15 community.

16 (f) The Department, in consultation with the Judiciary and the Center for
17 Criminal Justice Research, shall develop and implement a system to evaluate
18 performance of the pretrial services described in this section and report to the
19 General Assembly annually on or before December 15.

1 Sec. 3. ALTERNATIVES TO TRADITIONAL CRIMINAL JUSTICE

2 MODEL

3 (a) It is the intent of the General Assembly that law enforcement officials
4 and criminal justice professionals develop and maintain programs at every
5 stage of the criminal justice system to provide alternatives to a traditional
6 punitive criminal justice response for people who can safely, effectively, and
7 justly benefit from those alternative responses. Commonly referred to as the
8 sequential intercept model, this approach was designed to identify five points
9 within the criminal justice system where innovative approaches to offenders
10 and offending behavior could be taken to divert individuals away from a
11 traditional criminal justice response to crime. These intercept points begin in
12 the community with law enforcement interaction with citizens, proceed
13 through arrest, the judicial process, and sentencing, and conclude with release
14 back into communities. Alternative justice programs may include the
15 employment of police-social workers, community justice centers,
16 community-based dispute resolution, pre-charge programs, pretrial services
17 and case management, drug and DUI treatment courts, suspended fine
18 programs, and offender reentry programs.

19 (b) The Department of State's Attorneys and Sheriffs, in consultation with
20 the Judiciary and the Attorney General, shall develop broad guidelines for
21 these alternative justice programs.

1 (c) On or before January 5, 2015, the Executive Director of the Department
2 of State’s Attorneys and Sheriffs shall report to the General Assembly detailing
3 the alternative justice programs that exist in each county together with the
4 protocols for each program, the annual number of persons served by the
5 program, and a plan for how a sequential intercept model can be employed in
6 the county. The report shall be prepared in cooperation with the Directors of
7 Court Diversion, the Community Justice Network, and State, municipal, and
8 county law enforcement officials.

9 Sec. 4. 18 V.S.A. § 4240a is added to read:

10 § 4240a. IMPORTATION OR TRANSPORTATION INTO THE STATE;

11 AGGRAVATING FACTOR

12 For purposes of sentencing for an offense listed in this subchapter, the Court
13 shall consider the illegal importation or transportation of a drug to be an
14 aggravating factor.

15 Sec. 5. 13 V.S.A. § 1201 is amended to read:

16 § 1201. BURGLARY

17 (a) A person is guilty of burglary if he or she enters any building or
18 structure knowing that he or she is not licensed or privileged to do so, with the
19 intent to commit a felony, petit larceny, simple assault, or unlawful mischief.
20 This provision shall not apply to a licensed or privileged entry, or to an entry
21 that takes place while the premises are open to the public, unless the person,

1 with the intent to commit a crime specified in this subsection, surreptitiously
2 remains in the building or structure after the license or privilege expires or
3 after the premises no longer are open to the public.

4 (b) As used in this section, the words “building,” “structure,” and
5 “premises” shall, in addition to their common meanings, include and mean any
6 portion of a building, structure, or premises which differs from one or more
7 other portions of such building, structure, or premises with respect to license or
8 privilege to enter, or to being open to the public.

9 (c)(1) A person convicted of burglary into an occupied dwelling shall be
10 imprisoned not more than 25 years or fined not more than \$1,000.00, or both.
11 Otherwise a person convicted of burglary shall be imprisoned not more than
12 15 years or fined not more than \$1,000.00, or both.

13 (2) In addition to the penalties provided in subdivision (1) of
14 this subsection:

15 (A) A person who violates subsection (a) of this section and who
16 carries a dangerous or deadly weapon, openly or concealed, during the
17 commission of the offense shall be imprisoned not more than five years.

18 (B) A person who violates subsection (a) of this section and who uses
19 or threatens to use force against the occupant during the commission of the
20 offense shall be imprisoned not more than 15 years.

1 Sec. 6. EFFECTIVE DATES

2 (a) Sec. 1 shall take effect on November 1, 2014.

3 (b) Secs. 4 and 5 shall take effect on July 1, 2014.

4 (c) This section and Secs. 2 (risk assessment and needs screening tools)
5 and 3 (alternatives to traditional criminal justice model) shall take effect on
6 passage.

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10 (Committee vote: _____)

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Senator [surname]

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FOR THE COMMITTEE