

Summary of specific changes, mostly small

Sec. 1 (findings):

- 1) (c) The General Assembly recommends use of evidence-based risk assessments and needs screening tools for eligible offenses to provide information to the Court for the purpose of determining bail and appropriate conditions of release and inform decisions by the State's Attorney and the Court related to an offender's participation and level of supervision in an alternative justice program. [*Willa Farrell and Karen Vastine*]

Sec. 2

(a): The objective of a pretrial risk assessment is to provide information to the Court for the purpose of determining whether a person presents a risk of nonappearance or a threat to public safety, so the Court can make an appropriate order concerning bail and conditions of pretrial release. The objective of a pretrial screening is to rapidly identify offenders with a higher risk of re-offending and higher likelihood of having multiple criminogenic needs, including substance abuse or mental health needs. *Willa and Karen:*

(b)(1) If a person is arrested or cited for an eligible offense, the person shall be offered a risk assessment and, ~~if appropriate, a substance abuse or mental health~~ criminogenic needs screening, ~~or both,~~ prior to arraignment. *Willa and Karen*

(2) Any person arrested and charged with an offense that is not an eligible offense or an offense for which bail may be denied pursuant to section 7553 or 7553a of this title may be offered a risk assessment and, ~~if appropriate, a substance abuse or mental health~~ criminogenic needs screening, ~~or both,~~ prior to arraignment.

(d)(1) In consideration of the assessment and screening, the Court may order the person to comply with any of the following conditions:

- (A) meet with a compliance monitor on a schedule set by the Court;
- (B) participate in a clinical assessment by a substance abuse or mental health treatment provider; *Willa and Karen*

Add to (3) after "The conditions authorized in subdivision (1) of this subsection shall be in addition to any other conditions of release permitted by law": "under 7554. Nothing shall be construed to preclude imposition of conditions under 7554." [Not sure of the source of this recommendation.]

Sec. 3: [Change name of section to **RISK ASSESSMENT AND NEEDS SCREENING TOOLS**...

Sec. 4:

- 1) add to (a), after "criminal justice response": "consistent with 28 V.S.A. 2a" [*Willa and Karen*]
- 2) In (c): Director, not Directors, and co-chair, not co-chairs [*Willa and Karen*]

Sec. 7: Change amount to \$5,000.

Sec. 8:

- 1) Add new (e): “A person coming into the state with heroin for personal use may not be charged under this statute.” [To clarify this is for trafficking, not to extend the failed “War on Drugs” and increase penalties on users.]

Sec. 9:

- 1) Change dangerous or deadly weapon to “firearm”?

Sec. 10: Change title to REPORTS

- 1) Add second paragraph: “The court administrator’s office shall file a report with the General Assembly detailing the logistical, financial and personnel needs to create access to DUI and other drug treatment courts for all 14 counties in Vermont.”

Sec. 11:

- 1) Add after “prescribers”: “in or outside Vermont” [to match sec. 14]. [*M. Mongan/VMS*]

Sec. 13:

- 1) Add: after “prescribing”: “methadone or” [*John Brooklyn*]
- 2) Add at end: “and at regular intervals thereafter.” [“Don’t increase the administrative burden on physicians so they don’t want to take opioid-dependent patients.”] [*M. Mongan, VMS*]

Sec. 14:

- 1) Change “receive” to “are referred to.”

Additional questions:

- 1) Shall we rename the “compliance monitors” the JOs?
- 2) Do we need to spell out what the JOs will do? Who they’ll report to? [Some concern expressed in Institutions about DOC location—better AHS.]
- 3) Do we need to say something about local teams evaluating capacity, working with the Criminal Justice Capable Core Team?
- 4) Do we need to say something about the evaluation of these programs?
- 5) Do we want to include something about DOC making sure the right risk assessments are used? For example, Sarah Kenney notes that the DVIS assesses for domestic violence. Karen Gennette mentioned that they’re trying to work out the question of what tool should be used for DUI offenses, because DUI offenders come out falsely low risk and high need on the ORAS (have mostly anti-social behavior with disregard for consequences). Say something about DOC and the court administrator’s office, or the Chief Justice’s Task Force working on this with DOC?