

Vermont Legislative Council

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MEMORANDUM

To: House Committee on Corrections and Institutions
From: Michele Childs
Date: April 14, 2015
Subject: Forms of sentences

INCARCERATION

- A person is held within a correctional facility while awaiting trial (detention status), serving a sentence after adjudication, or awaiting a hearing on a violation of condition of probation, parole, furlough, or supervised community sentence
- Duration cannot exceed maximum term of sentence

PROBATION (28 V.S.A. ch. 5)

- A person is sentenced by the Court to serve all or part of a sentence of incarceration within the community on probation. A “split sentence” requires the person to serve time in a correctional facility prior to serving time in the community
- The term for misdemeanors may not exceed two years unless the Court, in its sole discretion, specifically finds that the interests of justice require a longer or an indefinite period of probation. The term of probation for nonviolent felonies may not exceed four years or the statutory maximum term of imprisonment for the offense, whichever is less, unless the Court, in its sole discretion, specifically finds that the interests of justice require a longer or an indefinite period of probation
- The Court will set conditions of probation and the DOC will supervise the person while on probation
- If the person is suspected of violating conditions, he or she is brought before the Court for a hearing. If a violation is found, the Court may continue probation under existing conditions, amend conditions, or require the person to serve the remaining time on the sentence in a correctional facility

PAROLE (28 V.S.A. ch. 7)

- The Parole Board may release an inmate into the community prior to the end of the inmate's sentence
- An inmate is eligible for release on parole upon completion of minimum sentence (if no min. or zero min., eligibility = 12 months)
- The Board will set conditions of parole and the DOC will supervise the person while on parole
- If the person is suspected of violating conditions, he or she is brought before the Board for a hearing. If a violation is found, the Court may continue parole under existing conditions, amend conditions, or require the person to serve the remaining time on the sentence in a correctional facility

SUPERVISED COMMUNITY SENTENCE (28 V.S.A. ch. 6)

- Unique to Vermont – a blend of Probation and Parole
- The Court, with DOC's concurrence, sentences an offender to serve all or part of a sentence of imprisonment within the community (can also apply to persons who have violated condition of probation)
- The Court may set conditions of the community sentence and the DOC will supervise the person while serving the community sentence

FURLOUGH (28 V.S.A. § 808)

- The DOC has discretion to release an inmate into the community, subject to the supervision of the Commissioner, in several instances:
 - Personal reasons, such as to provide the offender the opportunity to receive medical treatment, attend a funeral, contact prospective employers, etc.
 - Reintegration furlough, to prepare for reentry into the community, an offender sentenced to incarceration may be furloughed to the community up to 180 days prior to completion of the minimum sentence
 - Conditional reentry, a special status of furlough by which an inmate who has served his or her minimum is placed within the community to continue the process of reintegration. Note that although this is similar to probation and parole, it is within the DOC's sole discretion to do so

- The Court may order that an offender be sentenced to incarceration but placed on furlough in the following instances:
 - Home Confinement Furlough, an offender may be sentenced to serve a term of imprisonment, but placed by the Court on home confinement furlough that restricts the defendant to a preapproved place of residence continuously, except for authorized absences
 - Participation in Community Programs