

1 TO THE HOUSE OF REPRESENTATIVES:

2 The House Committee on Judiciary to which was referred Senate Bill No. 6  
3 entitled “An act relating to technical corrections to civil and criminal procedure  
4 statutes” respectfully reports that it has considered the same and recommends  
5 that the House propose to the Senate that the bill be amended by striking out all  
6 after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 13 V.S.A. § 1501 is amended to read:

8 § 1501. ESCAPE AND ATTEMPTS TO ESCAPE

9 \* \* \*

10 (b)(1) A person ~~who~~ shall not, while in lawful custody:

11 ~~(1) fails~~ (A) fail to return from work release to the correctional facility  
12 at the specified time, or visits other than the specified place, as required by the  
13 order issued in accordance with 28 V.S.A. § 753;

14 ~~(2) fails~~ (B) fail to return from furlough to the correctional facility at  
15 the specified time, or visits other than the specified place, as required by the  
16 order issued in accordance with 28 V.S.A. § 808, 808a, 808b, or 808c;

17 ~~(3) escapes or attempts~~ (C) escape or attempt to escape while on release  
18 from a correctional facility to do work in the service of such facility or of the  
19 Department of Corrections in accordance with 28 V.S.A. § 758; or

20 ~~(4) escapes or attempts~~ (D) escape elope or attempt to escape elope  
21 from the Vermont State Hospital, or its successor in interest Psychiatric Care

1 Hospital or a participating hospital, when confined by court order pursuant to  
2 chapter 157 of this title, or when transferred there pursuant to 28 V.S.A. § 703  
3 and while still serving a sentence, ~~shall be imprisoned for not more than five~~  
4 ~~years or fined not more than \$1,000.00, or both.~~

5 (2) A person who violates this subsection shall be imprisoned for not  
6 more than five years or fined not more than \$1,000.00, or both.

7 \* \* \*

8 (d) As used in this section:

9 \* \* \*

10 (3) "Successor in interest" shall mean the mental health hospital owned  
11 and operated by the State that provides acute inpatient care and replaces the  
12 Vermont State Hospital.

13 Sec. 2. 13 V.S.A. § 5321 is amended to read:

14 § 5321. APPEARANCE BY VICTIM

15 \* \* \*

16 (c) In accordance with ~~court~~ Court rules, at the sentencing hearing, the  
17 ~~court~~ Court shall ask if the victim is present and, if so, whether the victim  
18 would like to be heard regarding sentencing. ~~in~~ In imposing sentence, the ~~court~~  
19 Court shall consider any views offered at the hearing by the victim. ~~if~~ If the  
20 victim is not present, the ~~court~~ Court shall ask whether the victim has

1 expressed, either orally or in writing, views regarding sentencing and shall take  
2 those views into consideration in imposing sentence.

3 (d) At or before the sentencing hearing, the prosecutor's office shall  
4 instruct the victim of a listed crime, in all cases where the ~~court~~ Court imposes  
5 a sentence which includes a period of incarceration, that a sentence of  
6 incarceration is to the custody of the ~~commissioner~~ Commissioner of  
7 ~~corrections~~ Corrections and that the ~~commissioner~~ Commissioner of  
8 ~~corrections~~ Corrections has the authority to affect the actual time the defendant  
9 shall serve in incarceration through good time credit, furlough, work-release,  
10 and other early release programs. ~~in~~ In addition, the prosecutor's office shall  
11 explain the significance of a minimum and maximum sentence to the victim  
12 and shall also explain the function of parole and how it may affect the actual  
13 amount of time the defendant may be incarcerated.

14 \* \* \*

15 Sec. 3. 13 V.S.A. § 5574 is amended to read:

16 § 5574. BURDEN OF PROOF; JUDGMENT; DAMAGES

17 (a) A claimant shall be entitled to judgment in an action under this  
18 subchapter if the claimant establishes each of the following by clear and  
19 convincing evidence:

20 \* \* \*









1       Sec. 8. EFFECTIVE DATE

2           This act shall take effect on passage.

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6           (Committee vote: \_\_\_\_\_)

7

\_\_\_\_\_

8

Representative \_\_\_\_\_

9

FOR THE COMMITTEE