

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Corrections and Institutions to which was referred
3 House Bill No. 623 entitled “An act relating to compassionate release and
4 parole eligibility” 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. 28 V.S.A. § 501 is amended to read:

8 § 501. ELIGIBILITY FOR PAROLE CONSIDERATION

9 (a) An inmate who is serving a sentence of imprisonment shall be eligible
10 for parole ~~consideration~~ as follows:

11 (1) If the inmate’s sentence has no minimum term or a zero minimum
12 term, the inmate shall be eligible for parole consideration within 12 months
13 after commitment to a correctional facility.

14 (2) If the inmate’s sentence has a minimum term, the inmate shall be
15 eligible for parole consideration after the inmate has served the minimum term
16 of the sentence.

17 (3) Notwithstanding subsection 502a(a) of this title, if the inmate is 55
18 years of age or older but under 65 years of age, and has served ten years but
19 not served the minimum of the sentence, the inmate shall be eligible for parole
20 consideration, unless the inmate has programming requirements that have not

1 been fulfilled or has received a major disciplinary report within the last 12
2 months.

3 (4) Notwithstanding subsection 502a(a) of this title, if the inmate is 65
4 years of age or older, and has served five years but not served the minimum of
5 the sentence, the inmate shall be eligible for parole consideration, unless the
6 inmate has programming requirements that have not been fulfilled or has
7 received a major disciplinary report within the previous 12 months.

8 (b) As used in this section, “major disciplinary report” includes violations
9 for violent acts or serious threats to institutional security or personal safety and
10 does not include drug possession.

11 Sec. 2. 28 V.S.A. § 502a is amended to read:

12 § 502a. RELEASE ON PAROLE

13 (a) No inmate serving a sentence with a minimum term shall be released on
14 parole until the inmate has served the minimum term of the sentence, less any
15 reductions for good behavior.

16 (b) An inmate shall be released on parole by the written order of the Parole
17 Board if the Board determines:

18 (1) the inmate is eligible for parole;

19 (2) there is a reasonable probability that the inmate can be released
20 without detriment to the community or to the inmate; and

1 (3) the inmate is willing and capable of fulfilling the obligations of a
2 law-abiding citizen.

3 (c) A parole shall be ordered only for the best interest of the community
4 and of the inmate, and shall not be regarded as an award of clemency, a
5 reduction of sentence, or a conditional pardon.

6 (d) Notwithstanding subsection (a) of this section, or any other provision of
7 law to the contrary, any inmate who is serving a sentence, including an inmate
8 who has not yet served the minimum term of the sentence, who is diagnosed as
9 having a terminal or ~~debilitating~~ serious medical condition so as to render the
10 inmate unlikely to be physically capable of presenting a danger to society, may
11 be released on medical parole to a hospital, hospice, other licensed inpatient
12 facility, or suitable housing accommodation as specified by the parole board.

13 Provided the inmate has authorized the release of his or her personal health
14 information, the The Department shall promptly notify the parole board upon
15 receipt of medical information of an inmate's diagnosis of a terminal or
16 ~~debilitating~~ serious medical condition.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2016.

19 and that after passage the title of the bill be amended to read: “An act relating
20 to parole eligibility”

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1 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE