

* * * Presentence and Pre-parole Reports; Supervision History * * *

Sec. A. 28 V.S.A. § 204 is amended to read:

§ 204. SUBMISSION OF WRITTEN REPORT; PROTECTION OF RECORDS

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(d) Any presentence report, pre-parole report, or supervision history prepared by any employee of the Department in the discharge of the employee's official duty, except as provided in subdivision 204a(b)(5) and section 205 of this title, is ~~privileged~~ confidential and shall not be disclosed to anyone outside the Department other than the judge or the Parole Board, except that the court or Board may in its discretion permit the inspection of the report or parts thereof by the State's Attorney, the defendant or inmate, or his or her attorney, or other persons having a proper interest therein, whenever the best interest or welfare of the defendant or inmate makes that action desirable or helpful. Nothing in this section shall prohibit the Department for Children and Families from accessing the supervision history of probationers or parolees for the purpose of child protection.

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* * * Inmate Files * * *

Sec. B. 28 V.S.A. § 601 is amended to read:

§ 601. POWERS AND RESPONSIBILITIES OF THE SUPERVISING OFFICER OF EACH CORRECTIONAL FACILITY

The supervising officer of each facility shall be responsible for the efficient and humane maintenance and operation and for the security of the facility, subject to the supervisory authority conferred by law upon the Commissioner. Each supervising officer is charged with the following powers and responsibilities:

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(10) To establish and maintain, in accordance with ~~such rules and regulations as are established by that~~ the Commissioner shall adopt pursuant to 3 V.S.A. chapter 25, a central file at the facility containing an individual file for each inmate. ~~Except as otherwise may be indicated by the rules and regulations of the Department, the~~ The content of the file of an inmate shall be confidential ~~and~~, shall not be subject to public inspection or copying except by court order for good cause shown, and shall not be accessible to inmates at the facility; including the inmate to whom the file pertains, except that file contents may be inspected or released:

1 (A) By court order for good cause shown.

2 (B) Except as otherwise provided by law, the contents of an inmate's file may be
3 inspected, pursuant to a court order issued ex parte, by a state or federal prosecutor pursuant to a
4 court order issued ex parte as part of a criminal investigation if the court finds that the records
5 may be relevant to the investigation. The information in the files may be used for any lawful
6 purpose but shall not otherwise be made public.

7 (C) In accordance with rules that the Commissioner shall adopt pursuant to 3 V.S.A.
8 chapter 25.

9 Sec. C. INMATE FILES; RULEMAKING; REPORTING; TRANSITION

10 On or before November 1, 2015, the Commissioner of Corrections shall send a written report
11 to the Joint Legislative Corrections Oversight Committee describing the efforts to draft the rules
12 required under 28 V.S.A. § 601(10), as amended by this act, and the contents of the working
13 draft of the rules. The Commissioner shall prefile proposed rules with the Interagency
14 Committee on Administrative Rules on or before January 1, 2016, and shall complete the
15 rulemaking process without unreasonable delay so that the rules take effect no later than August
16 1, 2016. The policies and directives of the Department of Corrections related to the
17 establishment, maintenance, and confidentiality of inmate files shall continue to apply until the
18 rules take effect.

19 Sec. D. EFFECTIVE DATE

20 This act shall take effect on July 1, 2015.