

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 6 entitled
3 “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
22 Hospital or a participating hospital, when confined by court order pursuant to

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

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

6 * * *

7 (d) As used in this section:

8 * * *

9 (3) ~~“Successor in interest” shall mean the mental health hospital owned~~
10 ~~and operated by the State that provides acute inpatient care and replaces the~~
11 ~~Vermont State Hospital. [Repealed.]~~

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

13 § 5321. APPEARANCE BY VICTIM

14 * * *

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

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

12 * * *

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

14 § 5574. BURDEN OF PROOF; JUDGMENT; DAMAGES

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

18 * * *

19 (2)(A) ~~The~~ the complainant's conviction was reversed or vacated, the
20 complainant's information or indictment was dismissed, or the complainant
21 was acquitted after a second or subsequent trial; or

