

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 490 entitled
3 “An act relating to making appropriations for the support of government”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended as follows:

6 First: In Sec. E.335, 2 V.S.A. chapter 23, after the word “LEGISLATIVE”
7 by striking out the word CRIMINAL

8 Second: In Sec. E.335.1, 2 V.S.A. § 801(a), after the word “Legislative” by
9 striking out the word Criminal

10 Third: In Sec. E.335.1, 2 V.S.A. § 801(a), after the words “related to” by
11 inserting the words “juvenile justice and”

12 Fourth: In Sec. E.335.2, 2 V.S.A. § 802(a)(6), after the word “statewide” by
13 inserting the words juvenile justice system and

14 Fifth: In Sec. E.335.2, 2 V.S.A. § 802(a)(7), after the words “ensure the”
15 by inserting the words juvenile justice and

16 Sixth: By striking out Sec. E.335.3 in its entirety and inserting in lieu
17 thereof the following:

18 Sec. E.335.3 JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE;

19 2015 INTERIM MEMBERSHIP AND RESPONSIBILITIES

20 (a) The membership of the Joint Legislative Corrections Oversight

21 Committee appointed for the 2015-2016 biennial session of the General

1 Assembly shall also be the first appointed membership of the Joint Legislative
2 Justice Oversight Committee, as established in Sec. E.335.1 of this act.

3 (b) During the 2015 legislative interim, the Joint Legislative Justice
4 Oversight Committee shall:

5 (1) review and make recommendations on:

6 (A) whether diversion populations and persons in alternative justice
7 programs should be eligible for participation in Community High School of
8 Vermont; and

9 (B) the respective roles of Community High School of Vermont and
10 Adult Education and Literacy programs in serving the Department of
11 Corrections and diversion populations;

12 (2) analyze the available data regarding use of exclusionary discipline in
13 Vermont public and approved independent schools to identify whether
14 students' access to education is impaired as a result of disciplinary actions, and
15 to what extent the criminal justice system is involved in school disciplinary
16 matters;

17 (3) review issues related to transports by sheriffs and other law
18 enforcement agencies for the following populations:

19 (A) Criminal offenders, defendants, detainees, and other persons in
20 the custody of the Department of Corrections. The Committee shall consider
21 flexibility in the hourly rate for reimbursement to sheriffs.

1 (B) Juveniles in the custody of the Department for Children and
2 Families. The Committee shall consider methods to improve the transport of
3 children and reduce the number of children transported in restraints.

4 (C) Persons in the custody of the Department of Mental Health. The
5 Committee shall consider the use of soft restraints, standards for patient
6 transport reimbursement, and the appropriate training, authorization process,
7 documentation, and payment level for transports.

8 (4) review whether regional venue should be adopted for all categories
9 of cases; and

10 (5) review and make recommendations on the advisability and
11 feasibility of creating one centralized correctional facility for all incarcerated
12 men in the State.

13 (c) On or before November 1, 2015, the Court Administrator, the
14 Department for Children and Families, the Department of Corrections, the
15 Department of State’s Attorneys and Sheriffs, and any other impacted entity
16 deemed relevant by the Committee, shall report to the Joint Legislative Justice
17 Oversight Committee, on the estimated FY17 avoided costs resulting from the
18 budget and cost-saving measures undertaken during the 2015 legislative
19 session, including detention reductions, sheriff’s transports, video
20 conferencing, and the Court’s “lightening the load” initiative, and the impact
21 on transport demand from the expansion of home detention programs.

1 (d) On or before November 1, 2015, the Department for Children and
2 Families and the Department of Corrections shall report to the Joint Legislative
3 Justice Oversight Committee on the financial impact and policy considerations
4 of treating all 16-year-old offenders as juveniles rather than adults unless the
5 offense is one of those specified in subdivisions (1)-(12) of 33 V.S.A.

6 § 5204(a). For purposes of the report required by this subsection the
7 Departments shall consult with:

8 (1) the Chief Superior Judge or designee;

9 (2) the Juvenile Defender or designee;

10 (3) the Executive Director of the Department of State’s Attorneys and
11 Sheriffs or designee;

12 (4) the Executive Director of the Vermont Association of Chiefs of
13 Police or designee; and

14 (5) any other person the Departments deem would be of assistance.

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19 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE