

---

This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

---

**Act No. 61 (S.134). Crimes and criminal procedures; court diversion; pretrial services**

**An act relating to court diversion and pretrial services**

This act makes several changes to the court diversion and pretrial services programs. The act expands diversion also to include adults with substance abuse or mental health treatment needs, regardless of the person's prior criminal history record (currently, adult diversion is available only to persons charged with a first or a second misdemeanor or a first nonviolent felony), and requires that for certain crimes the prosecutor must provide the offender with the opportunity to participate in diversion unless the prosecutor states on the record at arraignment or a subsequent court proceeding why doing so would not serve the ends of justice in that particular case. The act limits the initial offering of risk assessments and needs screenings to those who are arrested, lodged, and unable to post bail within 24 hours of lodging (under existing law, the assessments and screenings are available to persons charged with a wide range of felonies and misdemeanors, regardless of their ability to post bail), clarifies that participation is voluntary, and makes clear that failure to comply with court assessment and screening orders is not a criminal violation, although the court retains its independent authority to impose conditions of release. The act also directs the Office of Legislative Council to study and report on the issue of a public-health approach to low-level possession and use of illicit drugs in Vermont.

Effective Date: July 1, 2017