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Act No. 164 (H.728). Crimes and criminal procedures; bail

An act relating to bail reform

This act makes various changes to the bail statutes, including:

- Replaces the language “ensure the appearance of the person” to “mitigate the risk of flight from prosecution” to reflect more accurately the legislative intent behind bail.
- Provides that in general no bond shall be imposed upon the temporary release of a person charged with an expungement-eligible misdemeanor, though judges retain the discretion to set bail for these individuals at a maximum of \$200.00.
- Requires the court to consider the defendant’s financial means prior to setting bail.
- Removes the court’s discretion to place a restriction on defendant’s place of abode as a condition to ensure appearance.
- Creates separate lists of considerations for judges when setting conditions to mitigate the risk of flight and conditions to protect the public.
- Provides that the court has the authority to revoke bail if a defendant repeatedly violates the conditions of his or her release only if those violations impede the prosecution of the accused.
- Provides that a defendant held without bail for an offense punishable by life imprisonment when evidence of guilt is great or for a violent felony when the evidence of guilt is great shall not be eligible for release to the Home Detention Program.

The act also:

- Tasks the Joint Legislative Justice Oversight Committee (JOC) with evaluating the Home Detention Program and recommending how to improve and expand it prior to the next legislative session.
- Tasks the Commissioner of Corrections, the Commissioner of Public Safety, the Attorney General, the Executive Director of the Department of State’s Attorneys and Sheriffs, and the Director of the Vermont State

Police to examine data regarding people of color who are incarcerated in Vermont and report to the JOC during the 2018 legislative interim.

Effective Date: July 1, 2018