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H.760

Introduced by Representatives Chesnut-Tangerman of Middletown Springs,
Buckholz of Hartford, Canfield of Fair Haven, Carr of Brandon,
Copeland-Hanzas of Bradford, Cupoli of Rutland City, Fagan of
Rutland City, Forguites of Springfield, Gage of Rutland City,
Hebert of Vernon, Howard of Rutland City, Joseph of North
Hero, Keefe of Manchester, Norris of Shoreham, Potter of
Clarendon, Shaw of Pittsford, Sibia of Dover, Terenzini of
Rutland Town, and Turner of Milton

Referred to Committee on

Date:

Subject: Bail and recognizances; home detention

Statement of purpose of bill as introduced: This bill proposes to preclude
defendants held without bail from eligibility for the Home Detention Program.

An act relating to precluding defendants held without bail from the Home
Detention Program

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 13 V.S.A. § 7554b is amended to read:

3 § 7554b. HOME DETENTION PROGRAM

4 (a) Definition. As used in this section, “home detention” means a program
5 of confinement and supervision that restricts a defendant to a preapproved
6 residence continuously, except for authorized absences, and is enforced by
7 appropriate means of surveillance and electronic monitoring by the Department
8 of Corrections. The court may authorize scheduled absences such as work,
9 school, or treatment. Any changes in the schedule shall be solely at the
10 discretion of the Department of Corrections. A defendant who is on home
11 detention shall remain in the custody of the Commissioner of Corrections with
12 conditions set by the court.

13 (b) Procedure. At the request of the court, the Department of Corrections,
14 or the defendant, the status of a defendant who is detained pretrial in a
15 correctional facility for lack of bail may be reviewed by the court to determine
16 whether the defendant is appropriate for home detention. A defendant held
17 without bail pursuant to section 7553 or 7553a of this title shall not be eligible
18 for release to the Home Detention Program. At arraignment or after a hearing,
19 the court may order that the defendant be released to the Home Detention
20 Program, providing that the court finds placing the defendant on home
21 detention will reasonably assure his or her appearance in court when required

1 and the proposed residence is appropriate for home detention. In making such
2 a determination, the court shall consider:

3 (1) the nature of the offense with which the defendant is charged;

4 (2) the defendant's prior convictions, history of violence, medical and
5 mental health needs, history of supervision, and risk of flight; and

6 (3) any risk or undue burden to other persons who reside at the proposed
7 residence or risk to third parties or to public safety that may result from such
8 placement.

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10 Sec. 2. EFFECTIVE DATE

11 This act shall take effect on passage.