

H.623

An act relating to parole eligibility

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

Sec. 1. 28 V.S.A. § 501 is amended to read:

§ 501. ELIGIBILITY FOR PAROLE CONSIDERATION

(a) An inmate who is serving a sentence of imprisonment shall be eligible for parole ~~consideration~~ as follows:

(1) If the inmate's sentence has no minimum term or a zero minimum term, the inmate shall be eligible for parole consideration within 12 months after commitment to a correctional facility.

(2) If the inmate's sentence has a minimum term, the inmate shall be eligible for parole consideration after the inmate has served the minimum term of the sentence.

(3) Notwithstanding subsection 502a(a) of this title, if the inmate is 55 years of age or older but under 65 years of age, and has served ten years but not served the minimum of the sentence, the inmate shall be eligible for parole consideration, unless the inmate has programming requirements that have not been fulfilled.

(4) Notwithstanding subsection 502a(a) of this title, if the inmate is 65 years of age or older, and has served five years but not served the minimum of

the sentence, the inmate shall be eligible for parole consideration, unless the inmate has programming requirements that have not been fulfilled.

Sec. 2. 28 V.S.A. § 502a is amended to read:

§ 502a. RELEASE ON PAROLE

(a) No inmate serving a sentence with a minimum term shall be released on parole until the inmate has served the minimum term of the sentence, less any reductions for good behavior.

(b) An inmate shall be released on parole by the written order of the Parole Board if the Board determines:

(1) the inmate is eligible for parole;

(2) there is a reasonable probability that the inmate can be released without detriment to the community or to the inmate; and

(3) the inmate is willing and capable of fulfilling the obligations of a law-abiding citizen.

(c) A parole shall be ordered only for the best interest of the community and of the inmate, and shall not be regarded as an award of clemency, a reduction of sentence, or a conditional pardon.

(d) Notwithstanding subsection (a) of this section, or any other provision of law to the contrary, any inmate who is serving a sentence, including an inmate who has not yet served the minimum term of the sentence, who is diagnosed as having a terminal or ~~debilitating~~ serious medical condition so as to render the

inmate unlikely to be physically capable of presenting a danger to society, may be released on medical parole to a hospital, hospice, other licensed inpatient facility, or suitable housing accommodation as specified by the parole board.

Provided the inmate has authorized the release of his or her personal health information, the ~~The~~ Department shall promptly notify the parole board upon receipt of medical information of an inmate's diagnosis of a terminal or ~~debilitating~~ serious medical condition.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2016.