

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Corrections and Institutions to which was referred
3 House Bill No. 222 entitled “An act relating to miscellaneous judiciary
4 procedures” respectfully reports that it has considered the same and
5 recommends that the bill be amended by adding new Sec. 17 and 18 to read as
6 follows:

7 Sec. 17. 13 V.S.A. § 7554b is amended to read:

8 § 7554B. HOME DETENTION PROGRAM

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

18 ~~(b) Procedure. At the request of the court, the Department of Corrections, or~~
19 ~~the defendant, the status of a defendant who is detained pretrial in a~~
20 ~~correctional facility for lack of bail may be reviewed by the court to determine~~
21 ~~whether the defendant is appropriate for home detention. At arraignment or~~

1 after a hearing, ~~the court may order that the defendant be released to the Home~~
2 ~~Detention Program, providing that the court finds placing the defendant on~~
3 ~~home detention will reasonably assure his or her appearance in court when~~
4 ~~required and the proposed residence is appropriate for home detention. In~~
5 ~~making such a determination, the court shall consider:~~

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

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

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

12 (e) ~~Failure to comply. The Department of Corrections may revoke a~~
13 ~~defendant's home detention status for an unauthorized absence or failure to~~
14 ~~comply with any other condition of the Program and shall return the defendant~~
15 ~~to a correctional facility.~~

16 (d) ~~Credit for time served. A defendant shall receive credit for a sentence of~~
17 ~~imprisonment for time served in the Home Detention Program. [Repealed.]~~

18 Sec. 18. HOME DETENTION PROGRAM REPEAL; TRANSITIONARY
19 PROVISION

1 Notwithstanding Sec. 17 of this act, all defendants who are in the Home
2 Detention Program under 13 V.S.A. § 7554b on the effective date of this act
3 shall be permitted to continue participating in the Program until completion.
4
5 and by renumbering the remaining sections to be numerically correct.