

1 H.343

2 Introduced by Representatives Emmons of Springfield, Batchelor of Derby,
3 Connor of Fairfield, Macaig of Williston, Scheu of Middlebury,
4 and Shaw of Pittsford

5 Referred to Committee on

6 Date:

7 Subject: Corrections; furlough

8 Statement of purpose of bill as introduced: This bill proposes to (1) clarify the
9 type of treatment furlough programming used by the Department of
10 Corrections, (2) authorize the Department of Corrections to preapprove
11 absences from home confinement for nonlisted crimes, and (3) codify the
12 Department's preapproved furlough requirements.

13 An act relating to home confinement, treatment furlough, and preapproved
14 furlough

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

16 Sec. 1. 28 V.S.A. § 808a is amended to read:

17 § 808a. TREATMENT FURLOUGH

18 (a) ~~An offender may be sentenced to serve a term of imprisonment, but~~
19 ~~placed by a court on treatment furlough to participate in such programs~~
20 ~~administered by the Department in the community that reduce the offender's~~

1 ~~risk to reoffend or that provide reparation to the community in the form of~~
2 ~~supervised work activities. [Repealed.]~~

3 * * *

4 Sec. 2. 28 V.S.A. § 808b is amended to read:

5 § 808b. HOME CONFINEMENT FURLOUGH

6 (a) An offender may be sentenced to serve a term of imprisonment, but
7 placed by a court on home confinement furlough that restricts the defendant to
8 a preapproved place of residence continuously, except for authorized absences.
9 Home confinement furlough shall be enforced by appropriate means of
10 supervision, including electronic monitoring and other conditions such as
11 limitations on alcohol, visitors, and access to firearms imposed by the court or
12 the Department, or both.

13 * * *

14 (d)(1) A home confinement furlough shall not exceed a total of 180 days
15 and shall require the defendant:

16 ~~(A)(1) to remain at a preapproved residence at all times except for~~
17 ~~preapproved absences for work, school, treatment, attorney appointments,~~
18 ~~court appearances, and other obligations as the court may order; or~~ In cases
19 involving offenders convicted of a listed crime, to remain at a preapproved
20 residence at all times except for preapproved absences for work, school,
21 treatment, attorney appointments, court appearances, medical appointments,

1 and other obligations as the court or Department may authorize. The day the
2 absences are approved, the court or the Department shall provide a record to
3 the prosecutor's office documenting the date, time, location, and purpose of the
4 authorized absences. The authorized absences may commence no earlier than
5 24 hours following notification to the prosecutor's office. The Department
6 may reschedule authorized absences only after providing 72 hours' advance
7 notice to the prosecutor's office. In the case of a medical emergency, the
8 notice required by this subdivision shall be provided as soon as practicable
9 after the emergency.

10 ~~(B)(2) to remain at a preapproved residence 24 hours a day on~~
11 ~~lock down status except for medical appointments and court appearances In~~
12 ~~cases involving offenders convicted of a nonlisted crime, to remain at a~~
13 ~~preapproved residence at all times except for preapproved absences for work,~~
14 ~~school, treatment, attorney appointments, court appearances, medical~~
15 ~~appointments, and other obligations as the court or Department may authorize.~~

16 ~~(2) In cases involving offenders convicted of a listed crime, the~~
17 ~~defendant shall remain at a preapproved residence at all times except for~~
18 ~~preapproved absences for work, school, treatment, attorney appointments,~~
19 ~~court appearances, and other obligations as the court or Department may~~
20 ~~authorize. The day the absences are approved, the court or the Department~~
21 ~~shall provide a record to the prosecutor's office documenting the date, time,~~

1 ~~location, and purpose of the authorized absences. The authorized absences~~
2 ~~may commence no earlier than 24 hours following notification to the~~
3 ~~prosecutor's office. The Department may reschedule authorized absences only~~
4 ~~after providing 72 hours' advance notice to the prosecutor's office. In the case~~
5 ~~of a medical emergency, the notice required by this subdivision shall be~~
6 ~~provided as soon as practicable after the emergency.~~

7 Sec. 3. 28 V.S.A. § 808e is added to read:

8 § 808e. PREAPPROVED FURLOUGH

9 When recommended by the Department and ordered by the court, an
10 offender may be sentenced to serve a term of imprisonment, but placed by a
11 court on a preapproved furlough to participate in such programs administered
12 by the Department in the community that reduce the offender's risk to offend
13 or to participate in a program that provides reparation to the community in the
14 form of supervised work activities.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on July 1, 2017.