

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Corrections and Institutions to which was referred  
3 Senate 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 Secs. 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,  
19 or the defendant, the status of a defendant who is detained pretrial in a  
20 correctional facility for lack of inability to pay bail after bail has been set by  
21 the court may be reviewed by the court to determine whether the defendant is

1 appropriate for home detention. The review shall be scheduled upon the  
2 court's receipt of a report from the Department approving a residence for home  
3 detention by electronic monitoring. A defendant charged with an offense for  
4 which he or she may be held without bail pursuant to section 7553 or 7553a of  
5 this title shall not be eligible for release to the Home Detention Program. At  
6 arraignment or after a hearing, the court may order that the defendant be  
7 released to the Home Detention Program, providing that the court finds placing  
8 the defendant on home detention will reasonably assure his or her appearance  
9 in court when required and the proposed residence is appropriate for home  
10 detention. In making such a determination, the court shall consider:

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

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

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

17 \* \* \*

18 Sec. 18. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE;

19 HOME DETENTION PROGRAM REVIEW

20 During the 2018 legislative interim, the Joint Legislative Justice Oversight  
21 Committee shall evaluate the Home Detention Program established under 13

1 V.S.A. § 7554b and recommend whether to continue the Program in its current  
2 form, continue the Program with modifications, or repeal the Program. Any  
3 resulting legislative recommendations shall be introduced as a bill in the 2019  
4 legislative session.

5

6 and by renumbering the remaining sections to be numerically correct.