



**Testimony on dr req 17-1073 – draft 1.5  
Reform of bail statutes  
House Committee on Judiciary  
February 22, 2017**

**Auburn Watersong  
Policy Director**

Thank you for the opportunity to speak to you on the draft proposal to restrict imposition of an appearance bond at the initial court appearance of a person cited for a misdemeanor with the exception of domestic assaults and stalking.

**The Network recommends the following amendments:**

**Section 1, page 1, line 19:**

(b) No bond may be imposed at the initial appearance of a person charged with a misdemeanor, other than a misdemeanor violation of subchapters 6 and 7 of chapter 19 of this title or 13 V.S.A. § 5409, or subchapter 1 of chapter 72 of 13 V.S.A., if the person was cited for the offense in accordance with Rule 3 of the Vermont Rules of Criminal Procedure.

Sexual assault crimes should be added to this exception.

**Section 2, page 2, line 18:**

In lieu of arrest, a correctional officer may issue a probationer a citation to appear for arraignment **only in cases where the crime for which the probationer had been convicted was a non-violent misdemeanor.**

An individual who is on probation for a violent misdemeanor or a felony should be arrested for a violation of probation. These are more serious crimes that require more scrutiny by the court and more consideration of public and victim safety.

**Section 2, page 3, line 8:**

This section is problematic for many reasons stated below.

(5)(A) At arraignment, if the court finds that bail and conditions of release will reasonably assure the probationer's appearance at future proceedings and reasonably protect the public, the court:

(i) shall release a probationer who is on probation for a nonviolent misdemeanor or nonviolent felony; and



~~(ii) may release a probationer who is on probation for a violent misdemeanor or violent felony.~~

or

(ii) ~~may~~ shall not release a probationer who is on probation for a violent misdemeanor or violent felony.

**The proposed language does not protect victims of crime, nor does it hold offenders accountable:** As this currently reads, it appears that an offender charged with a violation of conditions of release may be released on probably the same conditions of release to which he or she was originally subject. This does not make sense. For example, in a situation where a condition of release included “no contact” with the victim, and the offender contacted the victim and violated probation, the court would likely issue the same “no contact” condition of release for which the offender violated probation now that the court (under the proposed language) has the ability to release the offender.

It is arguable that a violation of a condition of release by a probationer poses an increased risk to the victim, because the offender has demonstrated that he or she has blatant disregard for the orders of the court or the probation department. Victim safety concerns are paramount when an offender willingly risks his or her own freedom in order to contact the victim or violate any other condition of release.

**An exception should be made for violent crimes, domestic and sexual violence, and stalking:** Similar to the changes made in this bill to Title 13 (page 1), we should create the same exceptions to probation violations.

Thank you for your time and consideration.

Auburn