

1 Introduced by Committee on Judiciary

2 Date:

3 Subject: Crimes and criminal procedure; bail and recognizances

4 Statement of purpose of bill as introduced: This bill proposes to restrict  
5 imposition of an appearance bond at the initial court appearance of a person  
6 cited for a misdemeanor with the exception of domestic assaults and stalking,  
7 to allow a court to release a probationer on bail or conditions for an alleged  
8 violation of probation if bail or conditions would reasonably ensure the  
9 probationer's appearance at future proceedings and protect the public, and to  
10 assign interested parties the task of reporting to the House and Senate  
11 Committees on Judiciary on options for facilitating pretrial communication  
12 between the courts and defendants with a goal of reducing the risk of  
13 nonappearance by defendants.

14 An act relating to bail

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

16 Sec. 1. 13 V.S.A. § 7551 is amended to read:

17 § 7551. APPEARANCE BONDS; GENERALLY

18 (a) A bond given by a person charged with a criminal offense or by a  
19 witness in a criminal prosecution under section 6605 of this title, conditioned  
20 for the appearance of the person or witness before the court in cases where the

1 offense is punishable by fine or imprisonment, and in appealed cases, shall be  
2 taken to the ~~district or superior court~~ Criminal Division of the Superior Court  
3 where the prosecution is pending, and shall remain binding upon parties until  
4 discharged by the court or until sentencing. The person or witness shall appear  
5 at all required court proceedings.

6 (b)(1) Except for offenses listed in subdivision (2) of this subsection (b), no  
7 bond may be imposed at the initial appearance of a person charged with a  
8 misdemeanor if the person was cited for the offense in accordance with Rule 3  
9 of the Vermont Rules of Criminal Procedure.

10 (2) Bond may be imposed at the initial appearance of a person charged  
11 with a misdemeanor offense under the following provisions if the person was  
12 cited for the offense in accordance with Rule 3 of the Vermont Rules of  
13 Criminal Procedure:

14 (A) violations of subchapters 6 and 7 of chapter 19 of this title;

15 (B) violations of subchapter 1 of chapter 59 of this title;

16 (C) violations of subchapter 1 of chapter 72 of this title; and

17 (D) violations of 13 V.S.A. § 5409.

18 Sec. 2. 28 V.S.A. § 301 is amended to read:

19 § 301. SUMMONS OR ARREST OF PROBATIONER

20 \* \* \*



1 There shall be no right to bail or release, unless the person is on probation for a  
2 nonviolent misdemeanor or nonviolent felony ~~and the probation violation did~~  
3 ~~not constitute a new crime.~~

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

7 (i) shall release a probationer who is on probation for a nonviolent  
8 misdemeanor or nonviolent felony pursuant to 13 V.S.A. § 7554; and

9 (ii) may release a probationer who is on probation for a violent  
10 misdemeanor or violent felony pursuant to 13 V.S.A. § 7554.

11 (B) As used in this ~~subdivision~~ section:

12 ~~(A)(i)~~ “Nonviolent felony” means a felony offense ~~which~~ that is  
13 not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving  
14 sexual exploitation of children in violation of 13 V.S.A. chapter 64.

15 ~~(B)(ii)~~ “Nonviolent misdemeanor” means a misdemeanor offense  
16 ~~which~~ that is not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense  
17 involving sexual exploitation of children in violation of 13 V.S.A. chapter 64  
18 or 13 V.S.A. § 1030.

19 Sec. 3. PRETRIAL **COMMUNICATIONS** RECOMMENDATIONS

20 The Court Administrator, the Department of State’s Attorneys, the Office of  
21 the Defender General, and the Vermont Chapter of the American Civil

1 Liberties Union shall work together to examine options for facilitating pretrial  
2 communication between the courts and defendants with a goal of reducing the  
3 risk of nonappearance by defendants. The parties jointly shall provide options  
4 and costs of such options to the Senate and House Committees on Judiciary on  
5 or before October 15, 2017.

6 Sec. 4. EFFECTIVE DATE

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