

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 An act relating to bail

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

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

10 § 7551. APPEARANCE BONDS; GENERALLY

11 (a) A bond given by a person charged with a criminal offense or by a
12 witness in a criminal prosecution under section 6605 of this title, conditioned
13 for the appearance of the person or witness before the court in cases where the
14 offense is punishable by fine or imprisonment, and in appealed cases, shall be
15 taken to the ~~district or superior court~~ District or Superior Court where the
16 prosecution is pending, and shall remain binding upon parties until discharged
17 by the court or until sentencing. The person or witness shall appear at all
18 required court proceedings.

19 (b) No bond may be imposed at the initial appearance of a person charged
20 with a misdemeanor, other than a misdemeanor violation of subchapters 6 and

1 7 of chapter 19 of this title or 13 V.S.A. § 5409, if the person was cited for the
2 offense in accordance with Rule 3 of the Vermont Rules of Criminal
3 Procedure.

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

5 § 301. SUMMONS OR ARREST OF PROBATIONER

6 * * *

7 (2) Arrest or citation of person on probation. Any correctional officer
8 may arrest a probationer without a warrant if, in the judgment of the
9 correctional officer, the probationer has violated a condition or conditions of
10 his or her probation other than a condition that the probationer pay restitution;
11 or may deputize any other law enforcement officer to arrest a probationer
12 without a warrant by giving him or her a written statement setting forth that the
13 probationer has, in the judgment of the correctional officer, violated a
14 condition or conditions of his or her probation other than a condition that the
15 probationer pay restitution. The written statement delivered with the person by
16 the arresting officer to the supervising officer of the correctional facility to
17 which the person is brought for detention shall be sufficient warrant for
18 detaining him or her. In lieu of arrest, a correctional officer may issue a
19 probationer a citation to appear for arraignment.

20 * * *

1 (4) Detention pending hearing for probationer. Pending arraignment for
2 any charge of violation, the probationer shall ~~continue to~~ be detained at a
3 correctional facility unless issued a citation by a correctional officer.

4 ~~Thereafter, the court may release the probationer pursuant to 13 V.S.A. § 7554.~~
5 ~~There shall be no right to bail or release, unless the person is on probation for a~~
6 ~~nonviolent misdemeanor or nonviolent felony and the probation violation did~~
7 ~~not constitute a new crime.~~

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

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

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

15 (B) As used in this subdivision:

16 ~~(A)~~(i) "Nonviolent felony" means a felony offense which is not a
17 listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual
18 exploitation of children in violation of 13 V.S.A. chapter 64.

19 ~~(B)~~(ii) "Nonviolent misdemeanor" means a misdemeanor offense
20 which is not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense

1 involving sexual exploitation of children in violation of 13 V.S.A. chapter 64
2 or 13 V.S.A. § 1030.

3 Sec. 3. PRETRIAL MONITORING RECOMMENDATIONS

4 The Court Administrator, in consultation with the Attorney General's
5 Office, the Department of State's Attorneys, and the Office of the Defender
6 General, shall examine options for establishing a court-based pre-trial
7 monitoring system that facilitates pretrial communication between the courts
8 and defendants with a goal of reducing the risk of nonappearance by
9 defendants. The Court Administer shall provide options and costs of such
10 options to the Senate and House Committees on Judiciary no later than
11 October 15, 2017.

12 Sec. 4. EFFECTIVE DATE

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