

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 134
3 entitled “An act relating to court diversion and pretrial services” respectfully
4 reports that it has considered the same and recommends that the House propose
5 to the Senate that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. INTENT

8 It is the intent of the General Assembly that:

9 (1) Sec. 2 of this act result in an increased use of the Diversion Program
10 throughout the State and a more consistent use of the program between
11 different regions of the State;

12 (2) the Office of the Attorney General collect data pursuant to 3 V.S.A.
13 § 164(d) on Diversion Program use, including the effect of this act on use of
14 the Program statewide and in particular regions of the State; and

15 (3) consideration be given to further amending the Diversion Program
16 statutes before Sec. 2 of this act sunsets on July 1, 2020, if it is determined that
17 that Section did not produce the intended increases in Diversion Program
18 usage.

1 Sec. 2. 3 V.S.A. § 164 is amended to read:

2 § 164. ADULT COURT DIVERSION ~~PROJECT~~ PROGRAM

3 (a) The Attorney General shall develop and administer an adult court
4 diversion ~~project~~ program in all counties. The ~~project~~ program shall be
5 operated through the juvenile diversion project ~~and shall be designed to assist~~
6 ~~adults who have been charged with a first or second misdemeanor or a first~~
7 ~~nonviolent felony~~. The Attorney General shall adopt only such rules as are
8 necessary to establish an adult court diversion ~~project~~ program for adults, in
9 compliance with this section.

10 (b) The program shall be designed for two purposes:

11 (1) To assist adults who have been charged with a first or a second
12 misdemeanor or a first nonviolent felony.

13 (2) To assist adults with substance abuse or mental health treatment
14 needs regardless of the person's prior criminal history record. Programming
15 for these persons is intended to support access to appropriate treatment or other
16 resources with the aim of improving the person's health and reducing future
17 adverse involvement in the justice system. A person charged with a felony
18 offense that is a listed crime pursuant to 13 V.S.A. § 5301 shall not be eligible
19 under this section.

20 (c) ~~The adult court diversion project administered by the Attorney General~~
21 program shall encourage the development of diversion ~~projects~~ programs in

1 local communities through grants of financial assistance to municipalities,
2 private groups or other local organizations. The Attorney General may require
3 local financial contributions as a condition of receipt of ~~project~~ program grants.

4 (d) The Office of the Attorney General shall develop program outcomes
5 following the designated State of Vermont performance accountability
6 framework and, in consultation with the Department of State’s Attorneys and
7 Sheriffs, the Office of the Defender General, the Center for Crime Victim
8 Services, and the Judiciary, report annually on or before December 1 to the
9 General Assembly on services provided and outcome indicators.

10 ~~(e)~~(e) All adult court diversion ~~projects~~ programs receiving financial
11 assistance from the Attorney General shall adhere to the following provisions:

12 (1) The diversion ~~project~~ program shall accept only persons against
13 whom charges have been filed and the court has found probable cause, but are
14 not yet adjudicated. The prosecuting attorney may refer a person to diversion
15 either before or after arraignment and shall notify in writing the diversion
16 program and the court of his or her intention to refer the person to diversion. If
17 a person is charged with a qualifying crime as defined in 13 V.S.A.
18 § 7601(4)(A), the prosecutor shall provide the person with the opportunity to
19 participate in the Court Diversion Program unless the prosecutor states on the
20 record why a referral to the Program would not serve the ends of justice. If the
21 prosecuting attorney refers a case to diversion, the prosecuting attorney may

1 release information to the victim upon a showing of legitimate need and
2 subject to an appropriate protective agreement defining the purpose for which
3 the information is being released and in all other respects maintaining the
4 confidentiality of the information; otherwise files held by the court, the
5 prosecuting attorney, and the law enforcement agency related to the charges
6 shall be confidential and shall remain confidential unless:

7 (A) the Board declines to accept the case;

8 (B) the person declines to participate in diversion;

9 (C) the Board accepts the case, but the person does not successfully
10 complete diversion;

11 (D) the prosecuting attorney recalls the referral to diversion.

12 (2) Alleged offenders shall be informed of their right to the advice and
13 assistance of private counsel or the public defender at all stages of the
14 diversion process, including the initial decision to participate, and the decision
15 to accept the adult diversion contract, so that the candidate may give informed
16 consent.

17 (3) The participant shall be informed that his or her selection of the adult
18 diversion contract is voluntary.

19 (4) Each State's Attorney, in cooperation with the Office of the Attorney
20 General and the adult court diversion project program, shall develop clear
21 criteria for deciding what types of offenses and offenders will be eligible for

1 diversion; however, the State’s Attorney shall retain final discretion over the
2 referral of each case for diversion.

3 (5) All information gathered in the course of the adult diversion process
4 shall be held strictly confidential and shall not be released without the
5 participant’s prior consent (except that research and reports that do not require
6 or establish the identity of individual participants are allowed).

7 (6) Information related to the present offense that is divulged during the
8 adult diversion program shall not be used ~~in the prosecutor’s case~~ against the
9 person in the person’s criminal or juvenile case for any purpose, including
10 impeachment or cross-examination. However, the fact of participation and
11 success, or reasons for failure may become part of the prosecutor’s records.

12 (7)(A) The adult court diversion ~~project~~ program shall maintain
13 sufficient records so that the reasons for success or failure of the program in
14 particular cases and overall can be investigated by program staff. These
15 records shall include a centralized statewide filing system that will include the
16 following information about individuals who have successfully completed an
17 adult court diversion program:

- 18 (i) name and date of birth;
- 19 (ii) offense charged and date of offense;
- 20 (iii) place of residence;
- 21 (iv) county where diversion process took place; and

1 (v) date of completion of diversion process.

2 (B) These records shall not be available to anyone other than the
3 participant and his or her attorney, State’s Attorneys, the Attorney General and
4 directors of adult court diversion projects.

5 (8) Adult court diversion ~~projects~~ programs shall be set up to respect the
6 rights of participants.

7 (9) Each participant shall pay a fee to the local adult court diversion
8 project. The amount of the fee shall be determined by project officers or
9 employees based upon the financial capabilities of the participant. The fee
10 shall not exceed \$300.00. The fee shall be a debt due from the participant, and
11 payment of such shall be required for successful completion of the program.
12 Notwithstanding 32 V.S.A. § 502(a), fees collected under this subdivision shall
13 be retained and used solely for the purpose of the court diversion program.

14 ~~(d)~~(f) The Attorney General is authorized to accept grants and gifts for the
15 purposes of this section, such acceptance being pursuant to 32 V.S.A. § 5.

16 ~~(e)~~(g) Within 30 days of the two-year anniversary of a successful
17 completion of adult diversion, the court shall provide notice to all parties of
18 record of the court’s intention to order the sealing of all court files and records,
19 law enforcement records other than entries in the adult court diversion
20 project’s centralized filing system, fingerprints, and photographs applicable to
21 the proceeding. The court shall give the State’s Attorney an opportunity for a

1 hearing to contest the sealing of the records. The court shall seal the records if
2 it finds:

3 (1) two years have elapsed since the successful completion of the adult
4 diversion program by the participant and the dismissal of the case by the
5 State's Attorney; and

6 (2) the participant has not been convicted of a subsequent felony or
7 misdemeanor during the two-year period, and no proceedings are pending
8 seeking such conviction; and

9 (3) rehabilitation of the participant has been attained to the satisfaction
10 of the court.

11 ~~(f)~~(h) Upon the entry of an order sealing such files and records under this
12 section, the proceedings in the matter under this section shall be considered
13 never to have occurred, all index references thereto shall be deleted, and the
14 participant, the court, and law enforcement officers and departments shall reply
15 to any request for information that no record exists with respect to such
16 participant inquiry in any matter. Copies of the order shall be sent to each
17 agency or official named therein.

18 ~~(g)~~(i) Inspection of the files and records included in the order may
19 thereafter be permitted by the court only upon petition by the participant who
20 is the subject of such records, and only to those persons named therein.

1 ~~(h)~~(j) The process of automatically sealing records as provided in this
2 section shall only apply to those persons who completed diversion on or after
3 July 1, 2002. Any person who completed diversion prior to July 1, 2002 must
4 apply to the court to have his or her records sealed. Sealing shall occur if the
5 requirements of subsection ~~(e)~~(g) of this section are met.

6 ~~(i)~~(k) Subject to the approval of the Attorney General, the Vermont
7 Association of Court Diversion Programs may develop and administer
8 programs to assist persons under this section charged with delinquent,
9 criminal, and civil offenses.

10 Sec. 3. 13 V.S.A. § 7554c is amended to read:

11 § 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

12 (a)(1) The objective of a pretrial risk assessment is to provide information
13 to the ~~Court~~ court for the purpose of determining whether a person presents a
14 risk of nonappearance ~~or a threat to public safety~~ or a risk of re-offense so the
15 ~~Court~~ court can make an appropriate order concerning bail and conditions of
16 pretrial release. The assessment shall not assess victim safety or risk of
17 lethality in domestic assaults.

18 (2) The objective of a pretrial needs screening is to obtain a preliminary
19 indication of whether a person has a substantial substance abuse or mental
20 health issue that would warrant a subsequent court order for a more detailed
21 clinical assessment.

1 (3) Participation in a risk assessment or needs screening pursuant to this
2 section does not create any entitlement for the assessed or screened person.

3 (b)(1) ~~A Except as provided in subdivision (2) of this subsection, a person~~
4 ~~whose offense or status falls into any of the following categories shall be~~
5 ~~offered a risk assessment and, if deemed appropriate by the pretrial monitor, a~~
6 ~~needs screening prior to arraignment:~~

7 ~~(A) misdemeanors and felonies, excluding listed crimes and drug~~
8 ~~trafficking, cited into court; and~~

9 ~~(B) persons who are arrested and lodged and unable to post bail~~
10 ~~within 24 hours of lodging, excluding persons who are charged with an offense~~
11 ~~for which registration as a sex offender is required upon conviction pursuant to~~
12 ~~subchapter 3 of chapter 167 of this title or an offense punishable by up to life~~
13 ~~imprisonment who is arrested, lodged, and unable to post bail within 24 hours~~
14 ~~of lodging shall be offered a risk assessment and, if deemed appropriate by the~~
15 ~~pretrial services coordinator, a needs screening prior to arraignment.~~

16 (2) ~~As used in this section, “listed crime” shall have the same meaning~~
17 ~~as provided in section 5301 of this title and “drug trafficking” means offenses~~
18 ~~listed as such in Title 18 A person charged with an offense for which~~
19 ~~registration as a sex offender is required pursuant to subchapter 3 of chapter~~
20 ~~167 of this title or an offense punishable by a term of life imprisonment shall~~
21 ~~not be eligible under this section.~~

1 (3) ~~Unless ordered as a condition of release under section 7554 of this~~
2 ~~title, participation~~ Participation in risk assessment or needs screening shall be
3 voluntary and a person's refusal to participate shall not result in any criminal
4 legal liability to the person.

5 (4) In the event an assessment or screening cannot be obtained prior to
6 arraignment, the risk assessment and needs screening shall be conducted as
7 soon as practicable.

8 (5) A person who qualifies pursuant to ~~subdivisions (1)(A)–(D)~~
9 subdivision (1) of this subsection and who has an additional pending charge or
10 a violation of probation shall not be excluded from being offered a risk
11 assessment or needs screening unless the other charge is a listed crime.

12 ~~(6)(A) The Administrative Judge and Court Administrator, in~~
13 ~~consultation with the Secretary of Human Services and the Commissioner of~~
14 ~~Corrections, shall develop a statewide plan for the phased, consistent rollout of~~
15 ~~the categories identified in subdivisions (1)(A) through (D) of this subsection,~~
16 ~~in the order in which they appear in this subsection. The Administrative Judge~~
17 ~~and Court Administrator shall present the plan to the Joint Legislative~~
18 ~~Corrections Oversight Committee on or before October 15, 2014~~ Any person
19 charged with a criminal offense, except those persons identified in subdivision
20 (b)(2) of this section, may choose to engage with a pretrial services
21 coordinator.

1 ~~(B) All persons whose offense or status falls into one of the~~
2 ~~categories shall be eligible for a risk assessment or needs screening on or after~~
3 ~~October 15, 2015. Prior to that date, a person shall not be guaranteed the offer~~
4 ~~of a risk assessment or needs screening solely because the person's offense or~~
5 ~~status falls into one of the categories. Criminal justice professionals charged~~
6 ~~with implementation shall adhere to the plan.~~

7 (c) The results of the risk assessment and needs screening shall be provided
8 to the person and his or her attorney, the prosecutor, and the ~~Court~~ court.
9 Pretrial services coordinators may share information only within the limitations
10 of subsection (e) of this section.

11 (d)(1) At arraignment, ~~in consideration of the risk assessment and needs~~
12 ~~screening,~~ the ~~Court~~ court may order ~~the~~ a person to ~~comply with~~ do the
13 following ~~conditions~~:

14 (A) meet with a pretrial ~~monitor~~ services coordinator on a schedule
15 set by the ~~Court~~ court; ~~and~~

16 (B) participate in a needs screening with a pretrial services
17 coordinator; and

18 (C) participate in a clinical assessment by a substance abuse or
19 mental health treatment provider and follow the recommendations of the
20 provider.

1 (2) The ~~Court~~ court may order the person to ~~follow the recommendation~~
2 of the ~~pretrial monitor if the person has completed a risk assessment or needs~~
3 ~~screening~~ engage in pretrial services. Pretrial services may include the pretrial
4 services coordinator:

5 (A) supporting the person in meeting conditions of release imposed
6 by the court, including the condition to appear for judicial proceedings; and

7 (B) connecting the person with community-based treatment
8 programs, rehabilitative services, recovery supports, and restorative justice
9 programs.

10 (3) If possible, the ~~Court~~ court shall set the date and time for the clinical
11 assessment at arraignment. In the alternative, the pretrial ~~monitor~~ services
12 coordinator shall coordinate the date, time, and location of the clinical
13 assessment and advise the ~~Court~~ court, the person and his or her attorney, and
14 the prosecutor.

15 (4) ~~The conditions~~ An order authorized in subdivision (1) or (2) of this
16 subsection shall be in addition to any ~~other~~ conditions of release permitted by
17 law and shall not limit the ~~Court~~ court in any way. Failure to comply with a
18 court order authorized by subdivision (1) or (2) of this subsection shall not
19 constitute a violation of section 7559 of this title.

20 (5) This section shall not be construed to limit a court's authority to
21 impose conditions pursuant to section 7554 of this title.

1 (e)(1) Information obtained from the person during the risk assessment or
2 needs screening shall be exempt from public inspection and copying under the
3 Public Records Act and, except as provided in subdivision (2) of this
4 subsection, only may be used for determining bail, conditions of release, and
5 appropriate programming for the person in the pending case. The information
6 a pretrial services coordinator may report is limited to whether a risk
7 assessment indicates risk of nonappearance, whether further substance use
8 assessment or treatment is indicated, whether mental health assessment or
9 treatment is indicated, whether a person participated in a clinical assessment,
10 and whether further engagement with pretrial services is recommended unless
11 the person provides written permission to release additional information.
12 Information related to the present offense directly or indirectly derived from
13 the risk assessment, needs screening, or other conversation with the pretrial
14 services coordinator shall not be used against the person in the person's
15 criminal or juvenile case for any purpose, including impeachment or cross-
16 examination. However, the fact of participation or nonparticipation in risk
17 assessment or needs screening may be used in subsequent proceedings. The
18 immunity provisions of this subsection apply only to the use and derivative use
19 of information gained as a proximate result of the risk assessment ~~or~~, needs
20 screening, or other conversation with the pretrial services coordinator.

1 (2) The person shall retain all of his or her due process rights throughout
2 the risk assessment and needs screening process and may release his or her
3 records at his or her discretion.

4 ~~(3) The Vermont Supreme Court in accordance with judicial rulemaking~~
5 ~~as provided in 12 V.S.A. § 1 shall promulgate and the Department of~~
6 ~~Corrections in accordance with the Vermont Administrative Procedure Act~~
7 ~~pursuant to 3 V.S.A. chapter 25 shall adopt rules related to the custody,~~
8 ~~control, and preservation of information consistent with the confidentiality~~
9 ~~requirements of this section. Emergency rules adopted prior to January 1, 2015~~
10 ~~pursuant to this section shall be considered to meet the “imminent peril”~~
11 ~~standard under 3 V.S.A. § 844(a) All records of information obtained during~~
12 ~~risk assessment or needs screening shall be stored in a manner making them~~
13 ~~accessible only to the Director of Pretrial Services and Pretrial Service~~
14 ~~Coordinators for a period of three years, after which the records shall be~~
15 ~~maintained as required by sections 117 and 218 of this title and any other State~~
16 ~~law. The Director of Pretrial Services shall be responsible for the destruction~~
17 ~~of records when ordered by the court.~~

18 (f) The Attorney General’s Office shall:

19 (1) contract for or otherwise provide the pretrial services described in
20 this section, including performance of risk assessments, needs screenings, and
21 pretrial monitoring services, and

1 (2) develop pretrial services outcomes following the designated State of
2 Vermont performance accountability framework and, in consultation with the
3 Department of State’s Attorneys and Sheriffs, the Office of the Defender
4 General, the Center for Crime Victim Services, and the Judiciary, report
5 annually on or before December 1 to the General Assembly on services
6 provided and outcome indicators.

7 Sec. 4. MISDEMEANOR POSSESSION OF DRUGS; PRETRIAL
8 SERVICES

9 (a) It is the intent of the General Assembly to encourage persons cited or
10 arrested for a misdemeanor drug possession charge the opportunity to engage
11 with pretrial services, and, if appropriate, enter treatment, and that, in turn, a
12 person who complies with such conditions will be eligible for dismissal of the
13 charge.

14 (b) The Attorney General, the Defender General, and the Executive
15 Director of the Department of State’s Attorneys and Sheriffs shall work
16 collaboratively to develop a specific legislative proposal to accomplish this
17 intent with an implementation date of July 1, 2018 and report to the Senate and
18 House Committees on Judiciary and on Appropriations, the Senate Committee
19 on Health and Welfare, and the House Committee on Human Services on or
20 before November 1, 2017.

1 Sec. 5. 13 V.S.A. § 7041 is amended to read:

2 § 7041. DEFERRED SENTENCE

3 (a) Upon an adjudication of guilt and after the filing of a presentence
4 investigation report, the court may defer sentencing and place the respondent
5 on probation upon such terms and conditions as it may require if a written
6 agreement concerning the deferring of sentence is entered into between the
7 ~~state's attorney~~ State's Attorney and the respondent and filed with the clerk of
8 the court.

9 (b) Notwithstanding subsection (a) of this section, the court may defer
10 sentencing and place the respondent on probation without a written agreement
11 between the ~~state's attorney~~ State's Attorney and the respondent if the
12 following conditions are met:

13 (1)(A) the respondent is 28 years ~~old~~ of age or younger; or

14 (B) the respondent is 29 years of age or older and has not previously
15 been convicted of a crime;

16 (2) the crime for which the respondent is being sentenced is not a listed
17 crime as defined in subdivision 5301(7) of this title;

18 (3) the court orders, unless waived by the State's Attorney:

19 (A) a presentence investigation in accordance with the procedures set
20 forth in Rule 32 of the Vermont Rules of Criminal Procedure, ~~unless the state's~~
21 attorney agrees to waive the presentence investigation; or

1 (B) an abbreviated presentence investigation in a form approved by
2 the Commissioner of Corrections;

3 (4) the court permits the victim to submit a written or oral statement
4 concerning the consideration of deferment of sentence;

5 (5) the court reviews the presentence investigation and the victim's
6 impact statement with the parties; and

7 (6) the court determines that deferring sentence is in the interest of
8 justice.

9 (c) Notwithstanding subsections (a) and (b) of this section, the court may
10 not defer a sentence for a violation of section 3253a (aggravated sexual assault
11 of a child), section 2602 (lewd and lascivious conduct with a child unless the
12 victim and the defendant were within five years of age and the act was
13 consensual), 3252(c) (sexual assault of a child under 16 years of age unless the
14 victim and the defendant were within five years of age and the act was
15 consensual), 3252(d) or (e) (sexual assault of a child), 3253(a)(8) (aggravated
16 sexual assault), or 3253a (aggravated sexual assault of a child) of this title.

17 * * *

18 Sec. 6. 13 V.S.A. § 5231 is amended to read:

19 § 5231. RIGHT TO REPRESENTATION, SERVICES AND FACILITIES

20 (a) A needy person who is being detained by a law enforcement officer
21 without charge or judicial process, ~~or~~ who is charged with having committed or

1 is being detained under a conviction of a serious crime, or who is charged with
2 having committed or is being detained under a conviction of any criminal
3 offense if the person was 25 years of age or less at the time the alleged offense
4 was committed, is entitled:

5 (1) To be represented by an attorney to the same extent as a person
6 having his or her own counsel; ~~and,~~

7 (2) To be provided with the necessary services and facilities of
8 representation. Any such necessary services and facilities of representation
9 that exceed \$1,500.00 per item must receive prior approval from the court after
10 a hearing involving the parties. The court may conduct the hearing outside the
11 presence of the ~~state~~ State, but only to the extent necessary to preserve
12 privileged or confidential information. This obligation and requirement to
13 obtain prior court approval shall also be imposed in like manner upon the
14 ~~attorney general~~ Attorney General or a ~~state's attorney~~ State's Attorney
15 prosecuting a violation of the law.

16 (b) The attorney, services and facilities, and court costs shall be provided at
17 public expense to the extent that the person, at the time the court determines
18 need, is unable to provide for the person's payment without undue hardship.

1 Sec. 7. 13 V.S.A. § 5232 is amended to read:

2 § 5232. PARTICULAR PROCEEDINGS

3 Counsel shall be assigned under section 5231 of this title to represent needy
4 persons in any of the following:

5 * * *

6 (3) ~~Proceedings~~ For proceedings arising out of a petition brought in a
7 juvenile court, including any subsequent proceedings arising from an order
8 issued in the juvenile proceeding:

9 (A) the child; and

10 (B) when the court deems the interests of justice require
11 representation, of either the child or his or her the child's parents or guardian,
12 or both, including any subsequent proceedings arising from an order therein.

13 Sec. 8. 13 V.S.A. § 5234 is amended to read:

14 § 5234. NOTICE OF RIGHTS; REPRESENTATION PROVIDED

15 (a) If a person who is being detained by a law enforcement officer without
16 charge or judicial process, ~~or~~ who is charged with having committed or is
17 being detained under a conviction of a serious crime, or who is charged with
18 having committed or is being detained under a conviction of any criminal
19 offense if the person was 25 years of age or less at the time the alleged offense
20 was committed, is not represented by an attorney under conditions in which a

1 person having his or her own counsel would be entitled to be so represented,
2 the law enforcement officer, magistrate, or court concerned shall:

3 (1) Clearly inform him or her of the right of a person to be represented
4 by an attorney and of a needy person to be represented at public expense; ~~and,~~

5 (2) If the person detained or charged does not have an attorney and does
6 not knowingly, voluntarily and intelligently waive his or her right to have an
7 attorney when detained or charged, notify the appropriate public defender that
8 he or she is not so represented. This shall be done upon commencement of
9 detention, formal charge, or post-conviction proceeding, as the case may be.

10 As used in this subsection, the term “commencement of detention” includes the
11 taking into custody of a probationer or parolee.

12 (b) Upon commencement of any later judicial proceeding relating to the
13 same matter, the presiding officer shall clearly inform the person so detained or
14 charged of the right of a needy person to be represented by an attorney at
15 public expense.

16 (c) Information given to a person by a law enforcement officer under this
17 section is effective only if it is communicated to a person in a manner meeting
18 standards under the ~~constitution~~ Constitution of the United States relating to
19 admissibility in evidence against him or her of statements of a detained person.

1 (d) Information meeting the standards of subsection (c) of this section and
2 given to a person by a law enforcement officer under this section gives rise to a
3 rebuttable presumption that the information was effectively communicated if:

4 (1) ~~It~~ it is in writing or otherwise recorded;

5 (2) ~~The~~ the recipient records his or her acknowledgment of receipt and
6 time of receipt of the information; and

7 (3) ~~The~~ the material so recorded under subdivisions (1) and (2) of this
8 subsection is filed with the court next concerned.

9 Sec. 9. LEGISLATIVE FINDINGS

10 The General Assembly finds that:

11 (1) According to Michael Botticelli, former Director of the Office of
12 National Drug Control Policy, the National Drug Control Strategy
13 recommends treating “addiction as a public health issue, not a crime.” Further,
14 the strategy “rejects the notion that we can arrest and incarcerate our way out
15 of the nation’s drug problem.”

16 (2) Vermont Chief Justice Paul Reiber has declared that “the classic
17 approach of ‘tough on crime’ is not working in [the] area of drug policy” and
18 that treatment-based models are proving to be a more effective approach for
19 dealing with crime associated with substance abuse.

20 (3) A felony conviction record is a significant impediment to gaining
21 and maintaining employment and housing, yet we know that stable

1 employment and housing are an essential element to recovery from substance
2 abuse and desistance of criminal activity that often accompanies addiction.

3 (4) In a 2014 study by the PEW Research Center, 67 percent of people
4 polled said government should focus more on providing treatment to people
5 who use illicit drugs and less on punishment. The Center later reported that
6 states are leading the way in reforming drug laws to reflect this opinion: State-
7 level actions have included lowering penalties for possession and use of illegal
8 drugs, shortening mandatory minimums or curbing their applicability,
9 removing automatic sentence enhancements, and establishing or extending the
10 jurisdiction of drug courts and other alternatives to the regular criminal justice
11 system.

12 (5) Vermont must look at alternative approaches to the traditional
13 criminal justice model for addressing low-level illicit drug use if it is going to
14 reduce the effects of addiction and addiction-related crime in this State.

15 Sec. 10. STUDY

16 (a) The Office of Legislative Council shall examine the issue of a public
17 health approach to low-level possession and use of illicit drugs in Vermont as
18 an alternative to the traditional criminal justice model, looking to trends both
19 nationally and internationally, with a goal of providing policymakers a range
20 of approaches to consider during the 2018 legislative session.

1 (b) The Office of Legislative Council shall report its findings to the
2 General Assembly on or before November 15, 2017.

3 Sec. 11. SUNSET

4 Sec. 2 of this Act shall be repealed on July 1, 2020.

5 Sec. 12. EFFECTIVE DATE

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

7

8

9

10 (Committee vote: _____)

11

12

Representative _____

13

FOR THE COMMITTEE

14