

## S.134; Diversion/Pre-Trial Services

### Summary of Substantive Differences Between House and Senate Bills

§ Number and Subject	Senate Version	House Version	Notes
Sec. 1	Findings/Intent	No comparable provision	
Sec. 2 (Diversion)	Permits court to refer defendant to diversion without consent of prosecutor	<p>Does not permit court referral; requires prosecutor to provide diversion option to person charged with qualifying crime unless prosecutor states on the record in court why diversion referral would not serve the ends of justice. Section sunsets in 3 years.</p> <p>Adds Center for Crime Victim Services to list of groups AG must consult with for outcome indicator report</p>	1
Sec. 3 (Pre-trial services)	No comparable provisions	<p>Clarifies that risk assessment considers whether a person presents a risk of nonappearance or a risk of re-offense (not a threat to public safety), and does not assess victim safety or risk of lethality in domestic assaults</p> <p>Clarifies that the court retains its independent authority to impose conditions of release even though failure to comply with court assessment and screening orders is not a criminal violation</p> <p>Adds Center for Crime Victim Services to list of groups AG must consult with for outcome indicator report</p>	
Sec. 4 (Report on Misdemeanor Drug Possession)	Same in both versions	Same in both versions	
Sec. 5 (Deferred Sentences)	No comparable provision	Adds H.9 as passed House, which permits a person 29 years of age or older to be considered for a deferred sentence if the person has not previously been convicted of a crime, whether or not the prosecution consents. Under current law, only persons under 29 may be considered for deferred sentences without consent of the prosecution.	

<p>Secs. 6, 7 and 8 (Public Defenders)</p>	<p>No comparable provision</p>	<p>Adds H.55 as passed House, which requires that a public defender be appointed for any criminal or juvenile offense committed by a person 25 years of age or less who meets the financial criteria for appointment of counsel. Under current law, public defenders may only be appointed if a person is charged with an offense that could result in imprisonment</p>	
<p>Secs. 9, 10 (Leg Council Report)</p>	<p>No comparable provision</p>	<p>Adds H.167 as passed House, which directs the Office of Legislative Council to study and report on the issue of a public-health approach to low-level possession and use of illicit drugs in Vermont.</p>	