

1 H.150

2 Introduced by Representatives Burke of Brattleboro and Batchelor of Derby

3 Referred to Committee on

4 Date:

5 Subject: Corrections; parole

6 Statement of purpose of bill as introduced: This bill proposes to establish a
7 judicial procedure to allow for the compassionate release of certain inmates,
8 including those who have been diagnosed with a terminal disease, and to
9 increase parole eligibility for older inmates and inmates who have served their
10 minimum sentence.

11 An act relating to parole eligibility

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

13 ~~Sec. 1. 28 V.S.A. § 501 is amended to read:~~

14 § 501. ELIGIBILITY FOR PAROLE CONSIDERATION

15 An inmate who is serving a sentence of imprisonment shall be eligible for
16 parole consideration as follows:

17 (1) If the inmate's sentence has no minimum term or a zero minimum
18 term, the inmate shall be eligible for parole consideration within 12 months
19 ~~after commitment to a correctional facility.~~

1 ~~(2) If the inmate's sentence has a minimum term, the inmate shall be~~
2 eligible for parole consideration after the inmate has served the minimum term
3 of the sentence.

4 ~~(3) Notwithstanding subsection 502a(a) of this title, if the inmate is 55~~
5 ~~years of age or older but under 65 years of age and has served ten years but not~~
6 ~~served the minimum of the sentence, the inmate shall be eligible for parole~~
7 ~~consideration unless the inmate has programming requirements that have not~~
8 ~~been fulfilled.~~

9 ~~(4) Notwithstanding subsection 502a(a) of this title, if the inmate is 65~~
10 ~~years of age or older and has served five years but not served the minimum of~~
11 ~~the sentence, the inmate shall be eligible for parole consideration unless the~~
12 ~~inmate has programming requirements that have not been fulfilled.~~

13 Sec. 2. 28 V.S.A. § 502a is amended to read:

14 § 502a. RELEASE ON PAROLE

15 (a) No inmate serving a sentence with a minimum term shall be released on
16 parole until the inmate has served the minimum term of the sentence, less any
17 reductions for good behavior.

18 (b) An inmate shall be released on parole by the written order of the Parole
19 Board if the Board determines:

20 (1) the inmate is eligible for parole;

21 ~~(2) there is a reasonable probability that the inmate can be released~~

1 ~~without detriment to the community or to the inmate; and~~

2 (3) the inmate is willing and capable of fulfilling the obligations of a
3 law-abiding citizen.

4 (c) A parole shall be ordered only for the best interest of the community
5 and of the inmate, and shall not be regarded as an award of clemency, a
6 reduction of sentence, or a conditional pardon.

7 (d) Notwithstanding subsection (a) of this section, or any other provision of
8 law to the contrary, any inmate who is serving a sentence, including an inmate
9 who has not yet served the minimum term of the sentence, who is diagnosed as
10 having a terminal or ~~debilitating~~ serious medical condition so as to render the
11 inmate unlikely to be physically capable of presenting a danger to society, may
12 be released on medical parole to a hospital, hospice, other licensed inpatient
13 facility, or suitable housing accommodation as specified by the Parole Board.
14 The Provided the inmate has authorized the release of his or her personal
15 health information, the Department shall promptly notify the Parole Board
16 upon receipt of medical information of an inmate's diagnosis of a terminal or
17 ~~debilitating~~ serious medical condition.

18 Sec. 3. EFFECTIVE DATE

19 ~~This act shall take effect on July 1, 2017.~~

Sec. 1. 28 V.S.A. § 502a is amended to read:

§ 502a. RELEASE ON PAROLE

(a) No inmate serving a sentence with a minimum term shall be released on

parole until the inmate has served the minimum term of the sentence, less any reductions for good behavior.

* * *

(d) Notwithstanding subsection (a) of this section, or any other provision of law to the contrary, any inmate who is serving a sentence, including an inmate who has not yet served the minimum term of the sentence, who is diagnosed as having a terminal or ~~debilitating~~ serious medical condition so as to render the inmate unlikely to be physically capable of presenting a danger to society, may be released on medical parole to a hospital, hospice, other licensed inpatient facility, or suitable housing accommodation as specified by the Parole Board. The Provided the inmate has authorized the release of his or her personal health information, the Department shall promptly notify the Parole Board upon receipt of medical information of an inmate's diagnosis of a terminal or debilitating serious medical condition. As used in this subsection, a "serious medical condition" does not mean a condition caused by noncompliance with a medical treatment plan.

Sec. 2. 28 V.S.A. § 808(e) is amended to read:

(e) The Commissioner may place on medical furlough any offender who is serving a sentence, including an offender who has not yet served the minimum term of the sentence, who is diagnosed with a terminal or ~~debilitating~~ serious medical condition so as to render the offender unlikely to be physically

capable of presenting a danger to society. The Commissioner shall develop a policy regarding the application for, standards for eligibility of, and supervision of persons on medical furlough. The offender may be released to a hospital, hospice, other licensed inpatient facility, or other housing accommodation deemed suitable by the Commissioner. As used in this subsection, a "serious medical condition" does not mean a condition caused by noncompliance with a medical treatment plan.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.