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H.362

Introduced by Representatives Rachelson of Burlington, Burke of Brattleboro,
Chase of Colchester, Cina of Burlington, Colburn of
Burlington, Colston of Winooski, Cordes of Lincoln, Elder of
Starksboro, Gonzalez of Winooski, Hooper of Burlington,
Kornheiser of Brattleboro, LaLonde of South Burlington,
McCullough of Williston, Mrowicki of Putney, Nicoll of
Ludlow, Notte of Rutland City, Squirrell of Underhill, Troiano
of Stannard, and Yacovone of Morristown

Referred to Committee on

Date:

Subject: Corrections; correctional facilities; out of state

Statement of purpose of bill as introduced: This bill proposes to prohibit the
transfer of Vermont inmates to an out-of-state correctional facility.

An act relating to prohibition on the transfer of Vermont inmates to an out-
of-state correctional facility

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

Sec. 1. FINDINGS

The General Assembly finds that:

1 (1) Housing inmates in an out-of-state correctional facility is not a
2 temporary solution and results in a long-term costly and unsustainable practice
3 for the State.

4 (2) Sending inmates out of state discourages visits from family and
5 friends. Studies have shown a correlation between visitation and reduced
6 recidivism upon completion of prison time.

7 (3) Out-of-state inmates have restricted access to legal counsel, resulting
8 in an increased reliance on telecommunication. This additional burden
9 subjects prisoners and those who wish to contact them to exorbitant prison
10 phone rates.

11 (4) The State is unable to provide the same level of oversight and care
12 for prisoners held at out-of-state correctional facilities.

13 Sec. 2. 28 V.S.A. § 102 is amended to read:

14 § 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;

15 POWERS; RESPONSIBILITIES

16 (a) The Department is under the direction of the Commissioner, who shall
17 be appointed by the Secretary of Human Services with the approval of the
18 Governor and shall serve at the pleasure of the Secretary. The Commissioner's
19 salary shall be fixed by the Governor within the appropriation for that purpose.

20 (b) The Commissioner is charged with the following powers:

21 * * *

1 (5) To order the assignment and transfer of persons committed to the
2 custody of the Commissioner to correctional facilities, ~~including out-of-state~~
3 ~~facilities.~~

4 * * *

5 (c) The Commissioner is charged with the following responsibilities:

6 * * *

7 (20) ~~To utilize the Department of Buildings and General Services'²~~
8 ~~competitive bidding practices in order to determine the most effective and cost-~~
9 ~~effective alternatives for housing inmates in any out-of-state correctional~~
10 ~~facility. Repealed.~~

11 * * *

12 Sec. 3. 28 V.S.A. § 817 is amended to read:

13 § 817. CREATION OF WORK CAMPS; INTENT

14 It is the intent of the ~~general assembly~~ General Assembly that the creation
15 of one or more new work camps in fiscal year 2006 and after will help alleviate
16 overcrowded conditions in the ~~state's~~ State's correctional facilities ~~and permit~~
17 ~~Vermonters housed in out-of-state facilities to be brought home to Vermont.~~

18 The ~~general assembly~~ General Assembly specifically does not intend the
19 creation of new work camps to result in an increase in the total number of
20 Vermont offenders sentenced to incarceration. Therefore, specific plans and
21 programs developed by the ~~department of corrections~~ Department of

1 Corrections shall restrict placement in new work camps to those offenders who
2 have been convicted of a nonviolent offense and who have served a portion of
3 their current sentence within a correctional facility. No court shall impose a
4 sentence of imprisonment to be served initially or solely within the new
5 facility.

6 Sec. 4. OUT-OF-STATE FACILITIES; PROHIBITION

7 No inmate under the custody of the Commissioner shall be supervised,
8 housed, treated, or cared for in an out-of-state correctional facility.

9 Sec. 5. EFFECTIVE DATE

10 This act shall take effect on October 1, 2020.