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S.112

Introduced by Senators Sears, Baruth, Benning and White

Referred to Committee on Judiciary

Date: February 20, 2019

Subject: Corrections; earned good time

Statement of purpose of bill as introduced: This bill proposes to require the Department of Corrections to implement a system of earned good time on or before January 1, 2020.

An act relating to earned good time

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) For nearly 40 years, Vermont had a system of statutory good time that permitted offenders to receive reductions in their sentences for maintaining good behavior and participating in programming while in the custody of the Commissioner of Corrections. This good time system was repealed in 2005.

(1) In 2018, the General Assembly directed the Commissioner of Corrections, in consultation with the Chief Superior Judge, the Attorney

1 ral, the Executive Director of the Department of Sheriffs and State's  
2 Attorneys, and the Defender General, to submit a report (the Report) to the  
3 Legislature on the advisability and feasibility of reinstating a system of  
4 earned good time for persons under Department of Corrections supervision.  
5 The Report was filed on November 15, 2018.

6 (2) In the Report, the Commissioner found that:

7 (A) empirical studies show that earned good time is effective at  
8 prison population management, has little to no community impact or effect on  
9 public safety, and is perceived by correctional administrators as having a  
10 positive impact on facility control;

11 (B) earned good time reduces incarceration costs by an amount  
12 ranging from \$1,800.00 to \$5,500.00 per inmate, depending on the number of  
13 days an inmate's sentence is reduced; and

14 (C) although research is mixed, studies show that earned good time  
15 can result in a crime rate reduction of 1–3.5 percent.

16 (3) On the basis of the Report's findings, the Commissioner concluded  
17 that the Department should "reinstigate a program of earned good time for  
18 sentenced inmates and individuals on furlough."

19 (4) In order to reduce the State's prison population by reintegrating  
20 offenders into the community while maintaining public safety, a system of  
21 earned good time should be reinstated in Vermont as soon as possible.

1 Sec. 28 V.S.A. § 818 is added to read:

2 § 818. EARNED GOOD TIME; REDUCTION OF TERM

3 (a) The Department shall by rule implement an earned good time program  
4 on or before January 1, 2020.

5 (b) The earned good time program implemented pursuant to this section  
6 shall comply with the following standards:

7 (1) The program shall be available for all offenders under the  
8 supervision of the Department, including furloughed offenders, who have been  
9 sentenced and committed to the custody of the Commissioner for a term of  
10 more than one year.

11 (2) The program shall be a merit-based system designed to incentivize  
12 offenders to participate in activities that prepare them for reentry. The  
13 program shall provide for reductions in the offender's term of supervision for  
14 periods during which the offender has participated in treatment, counseling,  
15 education, or vocational training or complied with other requirements  
16 identified by the Department to meet the offender's needs.

17 (3) The Department shall provide timely written notice to the offender  
18 any time the offender receives a reduction in his or her term of supervision  
19 pursuant to this section, and the Department shall maintain a system that  
20 documents and records all such reductions in each offender's permanent file.

1 ~~Sec. 2. EFFECTIVE DATE~~

2 ~~This act shall take effect on passage.~~

*Sec. 1. FINDINGS*

*The General Assembly finds that:*

*(1) For nearly 40 years, Vermont had a system of statutory good time that permitted offenders to receive reductions in their sentences for maintaining good behavior and participating in programming while in the custody of the Commissioner of Corrections. This good time system was repealed in 2005.*

*(1) In 2018, the General Assembly directed the Commissioner of Corrections, in consultation with the Chief Superior Judge, the Attorney General, the Executive Director of the Department of Sheriffs and State's Attorneys, and the Defender General, to submit a report (the Report) to the Legislature on the advisability and feasibility of reinstating a system of earned good time for persons under Department of Corrections supervision. The Report was filed on November 15, 2018.*

*(2) In the Report, the Commissioner found that:*

*(A) empirical studies show that earned good time is effective at prison population management, has little to no community impact or effect on public safety, and is perceived by correctional administrators as having a positive impact on facility control;*

*(B) earned good time reduces incarceration costs by an amount ranging from \$1,800.00 to \$5,500.00 per inmate, depending on the number of days an inmate's sentence is reduced; and*

*(C) although research is mixed, studies show that earned good time can result in a crime rate reduction of 1–3.5 percent.*

*(3) On the basis of the Report's findings, the Commissioner concluded that the Department should "reinstigate a program of earned good time for sentenced inmates and individuals on furlough."*

*(4) In order to reduce the State's prison population by reintegrating offenders into the community while maintaining public safety, a system of earned good time should be reinstated in Vermont as soon as possible.*

*Sec. 2. 28 V.S.A. § 818 is added to read:*

§ 818. EARNED GOOD TIME; REDUCTION OF TERM

(a) On or before July 1, 2020, the Department shall file a proposed rule implementing an earned good time program.

(b) The earned good time program implemented pursuant to this section shall comply with the following standards:

(1) The program shall be available for all eligible offenders under the supervision of the Department who have been sentenced and committed to the custody of the Commissioner.

(2) Offenders with a sentence of 180 days or less shall earn a reduction of five days in the minimum and maximum terms of confinement for each month during which the offender faithfully has observed all the rules and regulations of the institution to which the offender is committed.

(3) For offenders with a sentence of greater than 180 days, the program shall be a merit-based system designed to incentivize offenders to meet milestones identified by the Department that prepare offenders for reentry.

(4) An offender who receives pre-adjudication or post-adjudication treatment in an inpatient setting for a substance use disorder shall earn a reduction of one day in the minimum and maximum terms of confinement for each day that the offender receives the inpatient treatment.

(5) The Department shall provide timely notice each month to the offender any time the offender receives a reduction in his or her term of supervision pursuant to this section, and the Department shall maintain a system that documents and records all such reductions in each offender's permanent file.

*Sec. 3. EFFECTIVE DATE*

This act shall take effect on passage.