

Summary of S.338 as passed by the Senate

Updated: February 21, 2020

- Allows people on **probation** to earn one day off their minimum sentence for every day they serve on probation without violations.
- Establishes conditions under which people who are 65 years or older may be eligible for parole consideration prior to reaching their minimum sentence.
- Establishes **presumptive parole** for people convicted of unlisted offenses once they reach their minimum sentence, so long as they demonstrate good behavior, effective 1/1/2021.
- Establishes presumptive parole for people convicted of listed offenses, excluding the “Big 12” once they reach their minimum sentence, so long as they demonstrate good behavior, effective 1/1/2023.
- Allows the Parole Board to conduct an administrative review of all presumptive parole cases prior to release, and allows the Parole Board to deny presumptive release and set a hearing if there are victims to notify who should be able to participate.
- Reduces **furlough** to three types of statuses: Temporary Furlough, Treatment Furlough and Community Supervision Furlough by which DOC can release people who have reached their minimum sentence and are not eligible for presumptive parole.
- Repeals reintegration furlough, furlough without approved housing, treatment furlough for low risk people, and treatment furlough for people with specific DUI convictions.
- Requires that any recommendation for a furlough revocation or interrupt of 30 days or longer in prison trigger DOC Central Office review and notification to the Defender General’s office, and allows individuals to challenge DOC’s decision under Rule 75 of the Vermont Rules of Civil Procedure.
- Allows people **to earn 7 days off their minimum sentence** for every 30 days they are incarcerated without a major disciplinary rule violation and removes the requirement that a person participate in DOC recommended programming to earn time off.
- Requires stakeholders to identify existing **data and gaps** in data related to demographic factors and sentencing outcomes, and report back by October 1, 2020.
- Directs the Sentencing Commission to work with the Executive Director of Racial Equity and the Racial Disparities Advisory Panel to identify where **racial disparities** exist or are exacerbated, and first report back by December 1, 2020.
- Directs stakeholders to identify opportunities to provide more information pre-sentencing related to a person’s criminogenic risk and programming needs and eligibility and report back by January 15, 2021.
- Provides sentencing options for escapes and attempts to escape from DOC custody.