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## Report to The Vermont Legislature

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### Extraordinary Good Time Report

In accordance with Act 56 of 2019: An act relating to earned good time  
Section 7

**Submitted to:** House Committee on Corrections and Institutions; House Judiciary Committee; Senate Judiciary Committee.

**Submitted by:** James W. Baker, Commissioner, Department of Corrections

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**Report Date:** December 15, 2020



## **Introduction**

This report is submitted in accordance with the requirement of Act 56 Section 7 of the 2019 legislative session. Section 3 of Act 56 created authority for the Commissioner of Corrections to award a reduction of up to 30 days in an offender's minimum and maximum sentence if the Commissioner determines that the offender has: (1) acted to protect the life or safety of another person; (2) performed an act that put the inmate in harm's way in order to protect or preserve the life of another person; or (3) performed an act of heroism during an emergency. This award program is named Extraordinary Good Time.

An award of extraordinary good time can only be made to an inmate:(1) sentenced or committed to the custody of the commissioner as defined in 28 V.S.A. §701; (2) furloughed as defined in 28 V.S.A. §808; (3) on parole as defined in 28 V.S.A. §402; or (4) on supervised community sentence as defined in 28 V.S.A. §351.

Additionally, if an award of extraordinary good time was to be made, the Department's Victim Services Unit is required to provide notice of the award and also the newly effective minimum and maximum release dates to any victim of record within 30 days of the award.

To understand the impact and effect of extraordinary good time, DOC is required to submit this report with the following information:

- the number of offenders who have been awarded an extraordinary good time sentence reduction and the basis for each reduction; and
- an evaluation of the program and any recommended changes.

Act 56 also included a sunset for extraordinary good time by including language that "28 V.S.A. §819 shall be repealed on July 1, 2021."

## **Report**

*A. Number of offenders who have been awarded an extraordinary good time sentence reduction and the basis for each reduction.*

No inmates were awarded extraordinary good time.

*B. An evaluation of the program and any recommended changes.*

Act 56 was signed on June 10, 2019 and became effective as of that date. At the time this provision was enacted, then Commissioner, Michael Touchette, indicated that the use of this award would be rare.

DOC does not have any changes to recommend to the criteria as outlined in statute. However, in the coming year, DOC will take greater steps to promote the extraordinary good time award option to its staff so they can make recommendations when an eligible inmate meets the criteria for the award.

Although, no awards were made during this reporting timeframe, DOC recommends lifting the sunset and making the extraordinary good time award a permanent option.