

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 112
3 entitled “An act relating to good time” respectfully reports that it has
4 considered the same and recommends that the bill be amended by striking out
5 all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. FINDINGS

7 The General Assembly finds that:

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12 repealed in 2005.

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

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

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

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

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

10 (3) On the basis of the Report’s findings, the Commissioner concluded
11 that the Department should “reinstitute a program of earned good time for
12 sentenced inmates and individuals on furlough.”

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

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

17 § 818. EARNED GOOD TIME; REDUCTION OF TERM

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

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

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

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

8 (3) For offenders with a sentence of greater than 180 days, the program
9 shall be a merit-based system designed to incentivize offenders to participate in
10 activities that prepare them for reentry. The program shall provide for
11 reductions in the offender’s term of supervision for periods during which the
12 offender has participated in treatment, counseling, education, or vocational
13 training or complied with other requirements identified by the Department to
14 meet the offender’s needs.

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

19 (5) The Department shall provide timely written notice each month to
20 the offender any time the offender receives a reduction in his or her term of
21 supervision pursuant to this section, and the Department shall maintain a

1 system that documents and records all such reductions in each offender's
2 permanent file.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on passage.

5 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE