

1 S.338

2 Senator Sears moves that the bill be amended by inserting a new Sec. 18a to
3 read:

4 Sec. 18a. 13 V.S.A. § 1501 is amended to read:

5 § 1501. ESCAPE AND ATTEMPTS TO ESCAPE

6 (a) A person who, while in lawful custody:

7 (1) escapes or attempts to escape from any correctional facility or a local
8 lockup shall be imprisoned for not more than 10 years or fined not more than
9 \$5,000.00, or both; or

10 (2) escapes or attempts to escape from an officer, if the person was in
11 custody as a result of a felony, shall be imprisoned for not more than 10 years
12 or fined not more than \$5,000.00, or both; or if the person was in custody as a
13 result of a misdemeanor, shall be imprisoned for not more than two years, or
14 fined not more than \$1,000.00, or both.

15 (b)(1) A person shall not, while in lawful custody:

16 (A) fail to return from work release to the correctional facility at the
17 specified time, or visits other than the specified place, as required by the order
18 issued in accordance with 28 V.S.A. § 753;

19 (B) fail to return from furlough to the correctional facility at the
20 specified time, or visits other than the specified place, as required by the order
21 issued in accordance with 28 V.S.A. § 808(a)(1)-(5), or § 723;

1 (C) escape or attempt to escape while on release from a correctional
2 facility to do work in the service of such facility or of the Department of
3 Corrections in accordance with 28 V.S.A. § 758; or

4 (D) elope or attempt to elope from the Vermont Psychiatric Care
5 Hospital or a participating hospital, when confined by court order pursuant to
6 chapter 157 of this title, or when transferred there pursuant to 28 V.S.A. § 703
7 and while still serving a sentence.

8 (2) A person who violates this subsection shall be imprisoned for not
9 more than five years or fined not more than \$1,000.00, or both.

10 (3) ~~It shall not be a violation of subdivision (1)(A), (1)(B), or (1)(C) of~~
11 ~~this subsection (b) if~~ If the person is on furlough status pursuant to 28 V.S.A. §
12 723 808(a)(6), 808(e), 808(f), or 808a, 808b, or 808e a violation of this
13 subdivision (1) of this subsection (b) requires a showing that the person
14 intended to escape from furlough.

15 (c) All sentences imposed under subsection (a) of this section shall be
16 consecutive to any term or sentence being served at the time of the offense.

17 (d) As used in this section:

18 (1) “No refusal system” means a system of hospitals and intensive
19 residential recovery facilities under contract with the Department of Mental
20 Health that provides high intensity services, in which the facilities shall admit

1 any individual for care if the individual meets the eligibility criteria established
2 by the Commissioner in contract.

3 (2) “Participating hospital” means a hospital under contract with the
4 Department of Mental Health to participate in the no refusal system.

5 (3) [Repealed.]