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H.734

SHORT FORM

Introduced by Representative Grad of Moretown

Referred to Committee on

Date:

Subject: Criminal law; sentencing; justice reinvestment

Statement of purpose of bill as introduced: This bill proposes to adopt the recommendations of the Council of State Governments' recommendations set forth in its November of 2021 report to the Justice Reinvestment II Working Group. The Council outlined four recommendations to the Working Group after its racial equity in sentencing analysis. The Council first recommends that the State of Vermont apply a race equity lens to the reclassification of lower-to-mid level felony drug possession offenses to misdemeanors and reevaluate the threshold of the highest level of possession and sales to better reflect significant amounts of drugs intended for distribution. The Council also recommends that the State of Vermont should pursue either nonbinding sentencing guidance or establish presumptive probation for certain offenses to inform court discretion related to incarceration decisions. The Council further recommends that the State of Vermont require the collection and reporting of race and ethnicity data in the Office of the Vermont Attorney General's Pretrial Services and Court Diversion Report, as well as in any other statewide

1 diversion programs, for the purpose of identifying and addressing disparities in
2 program access and use by each county in the State. Finally, the Council
3 recommends that the State of Vermont develop internal guidance to increase
4 consistency in charging and plea-bargaining decision with State's Attorneys'
5 offices. This guidance should focus on what crimes to charge and when to
6 charge them, particularly for drug-related cases, as well as provide a
7 framework for guiding prosecutorial discretion during the plea-bargaining
8 process.

9 An act relating to adopting the Council of State Governments'
10 recommendations set forth in its November of 2021 report to the Justice
11 Reinvestment II Working Group

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

13 (TEXT OMITTED IN SHORT-FORM BILLS)