

1 S.98

2 Introduced by Senators Ram and Hardy

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; bail

6 Statement of purpose of bill as introduced: This bill proposes to prohibit the
7 imposition of cash bail in cases where the defendant has been charged with a
8 criminal offense that is eligible for expungement; to require criminal justice
9 stakeholders to develop recommendations to eliminate cash bail; to require the
10 Department of Corrections to report racial data on pretrial detainees; and to
11 require the Judiciary to establish and implement a system to notify persons
12 charged with a criminal offense of upcoming court hearings.

13 An act relating to reducing the imposition of cash bail

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

15 Sec. 1. 13 V.S.A. § 7551 is amended to read:

16 § 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND

17 APPEARANCE BONDS

18 (a) Bonds; generally. A bond given by a person charged with a criminal
19 offense or by a witness in a criminal prosecution under section 6605 of this
20 title, conditioned for the appearance of the person or witness before the court

1 in cases where the offense is punishable by fine or imprisonment, and in
2 appealed cases, shall be taken to the Criminal Division of the Superior Court
3 where the prosecution is pending and shall remain binding upon parties until
4 discharged by the court or until sentencing. The person or witness shall appear
5 at all required court proceedings.

6 (b) Limitation on imposition of bail, secured appearance bonds, and
7 appearance bonds.

8 (1) Except as provided in subdivision (2) of this subsection, no bail,
9 secured appearance bond, or appearance bond may be imposed:

10 (A) at the initial appearance of a person charged with a misdemeanor
11 if the person was cited for the offense in accordance with Rule 3 of the
12 Vermont Rules of Criminal Procedure; or

13 (B) at the initial appearance or upon the temporary release pursuant
14 to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged
15 with a violation of a ~~misdemeanor~~ an offense that is eligible for expungement
16 pursuant to ~~subdivision 7601(4)(A)~~ section 7601 of this title.

17 (2) ~~In the event the court finds that imposing bail is necessary to~~
18 ~~mitigate the risk of flight from prosecution for a person charged with a~~
19 ~~violation of a misdemeanor offense that is eligible for expungement pursuant~~
20 ~~to subdivision 7601(4)(A) of this title, the court may impose bail in a~~
21 ~~maximum amount of \$200.00.~~

1 ~~(3)~~ This subsection shall not be construed to restrict the court's ability to
2 impose conditions on such persons to reasonably mitigate the risk of flight
3 from prosecution or to reasonably protect the public in accordance with section
4 7554 of this title.

5 Sec. 2. PROPOSAL TO ELIMINATE CASH BAIL

6 The Office of the Attorney General, the Office of the Defender General, the
7 Department of State's Attorneys and Sheriffs, the Judiciary, the Center for
8 Crime Victim Services, and the Vermont Network Against Domestic and
9 Sexual Violence shall work collaboratively to identify the conditions that
10 would be required to move toward the elimination of the use of cash bail for
11 the purpose of mitigating risk of flight from prosecution and develop a
12 proposal to eliminate cash bail in Vermont. These stakeholders shall report
13 their findings and recommendations to the General Assembly on or before
14 December 1, 2021.

15 Sec. 3. COLLECTION OF RACE DATA FOR PRETRIAL DETAINEES

16 The Department of Corrections shall collect data on the race of pretrial
17 detainees held in Vermont prisons. This data shall be included in any detainee
18 data reports required of the Department either through statute or upon request
19 by the General Assembly.

1 Sec. 4. JUDICIARY; NOTICES OF HEARINGS

2 (a) To reduce the instances of failure to appear by persons who are charged
3 with a criminal offense, on or before July 1, 2023, the Judiciary shall establish
4 and implement a system to electronically notify such persons of upcoming
5 required court appearances.

6 (b) On or before December 1, 2021, the Judiciary shall report to the
7 General Assembly any requests for legislation or monies necessary to fund the
8 system identified in subsection (a) of this section.

9 (c) On or before December 1, 2024, the Judiciary shall report to the
10 General Assembly on the efficacy of the notification system.

11 Sec. 5. EFFECTIVE DATES

12 (a) This section and Secs. 2–4 shall take effect on passage.

13 (b) Sec. 1 shall take effect on July 1, 2023.