

1  
2  
3  
4  
5  
6  
7  
8  
  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

S.183

Introduced by Senators Sears, White, Baruth, Benning and Nitka

Referred to Committee on

Date:

Subject: Corrections; probation; midpoint review

Statement of purpose of bill as introduced: This bill proposes to establish that the midpoint probation review process applies retroactively and is not available to probationers who are subject to pending criminal charges.

An act relating to midpoint probation review

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

Sec. 1. 28 V.S.A. § 252 is amended to read:

§ 252. CONDITIONS OF PROBATION AND MIDPOINT REVIEW

\* \* \*

(d) Review and recommendation for discharge.

(1) The Commissioner shall review the record of each probationer serving a specified term during the month prior to the midpoint of that probationer's specified term and shall file a motion requesting the sentencing court to dismiss the probationer from probation if the offender:

(A) has not been found by the court to have violated the conditions of probation in the six months prior to the review;

1 (B) is not serving a sentence for committing a crime specified in  
2 13 V.S.A. chapter 19, subchapters 6 and 7; 13 V.S.A. chapter 72, subchapter 1;  
3 or 13 V.S.A. § 2602;

4 (C) is not subject to a pending criminal charge; and

5 (D) has completed those rehabilitative or risk reduction services  
6 required as a condition of probation that have a duration that is set and  
7 knowable at the outset of probation.

8 (2) If the probationer does not meet the criteria set forth in subdivision  
9 (1) of this subsection, or if the court denies the Commissioner's motion to  
10 discharge, the Commissioner shall file a motion requesting the sentencing  
11 court to discharge the probation term once the probationer meets the criteria set  
12 forth in subdivision (1) of this subsection.

13 (3) The prosecutor shall make a reasonable effort to notify any victim of  
14 record of a motion filed to reduce a probationer's term pursuant to this  
15 subsection. "Reasonable effort" means attempting to contact the victim by  
16 first-class mail at the victim's last known address and by telephone at the  
17 victim's last known phone number.

18 (4) Notwithstanding 1 V.S.A. § 214, this subsection shall apply  
19 retroactively to any probationer serving a specified term who had not reached  
20 the midpoint of that specified term on July 1, 2021.

- 1      Sec. 2. EFFECTIVE DATE
- 2      This act shall take effect on passage.