

House Calendar

Friday, April 9, 2021

94th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Third Reading

H. 225 Possession of a therapeutic dosage of buprenorphine..... 929

Senate Proposal of Amendment

H. 20 Pretrial risk assessments and pretrial services
Senate Proposal of Amendment 929

Action Postponed Until April 13, 2021

Favorable

S. 60 An act relating to allowing municipal and cooperative utilities to offer innovative rates and services
Rep. Patt for Energy and Technology..... 932

Consent Calendar

H.C.R. 35 Honoring Fagan Hart for her admirable leadership of the Vermont Children's Trust Foundation..... 932

H.C.R. 36 Honoring Ludy Biddle for her outstanding leadership at NeighborWorks of Western Vermont..... 932

H.C.R. 37 Honoring Westfield Selectboard Chair extraordinaire Yves Daigle 932

H.C.R. 38 Honoring the musical achievements of Vermont Symphony Orchestra Music Director Jaime Laredo..... 932

H.C.R. 39 Congratulating the 2021 Essex High School Hornets Vermont-NEA Scholars' Bowl State championship team..... 932

H.C.R. 40 Congratulating Fatima Khan on earning a finalist ranking in U.S. Senator Bernie Sanders's 2021 State of the Union Essay Contest..... 933

H.C.R. 41 Honoring former Brattleboro Fire Chief Michael Bucossi for his outstanding leadership and community service..... 933

ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 225

An act relating to possession of a therapeutic dosage of buprenorphine

Senate Proposal of Amendment

H. 20

An act relating to pretrial risk assessments and pretrial services

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 7554c is amended to read:

§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

~~(a)(1) The objective of a pretrial risk assessment is to provide information to the court for the purpose of determining whether a person presents a risk of nonappearance or a risk of re-offense so the court can make an appropriate order concerning bail and conditions of pretrial release. The assessment shall not assess victim safety or risk of lethality in domestic assaults.~~

(2) The objective of a pretrial needs screening is to obtain a preliminary indication of whether a person has a substantial substance abuse or mental health issue that would warrant a subsequent court order for a more detailed clinical assessment.

~~(3)~~(2) Participation in a risk assessment or needs screening pursuant to this section does not create any entitlement for the assessed or screened person.

(b)(1) Except as provided in subdivision (2) of this subsection, a judge may request that a pretrial services coordinator perform a risk assessment that assesses risk of flight for a person who is arrested, lodged, and unable to post bail within 24 hours of lodging shall be offered a risk assessment and, if deemed appropriate by the pretrial services coordinator, a needs screening prior to arraignment.

(2) A person charged with an offense for which registration as a sex offender is required pursuant to chapter 167, subchapter 3 of this title or an offense punishable by a term of life imprisonment shall not be eligible under this section.

(3) Participation in risk assessment or needs screening shall be voluntary and a person's refusal to participate shall not result in any criminal legal liability to the person.

(4) In the event ~~an assessment or a~~ screening cannot be obtained prior to arraignment, the ~~risk assessment and~~ needs screening shall be conducted as soon as practicable.

(5) A person who qualifies pursuant to subdivision (1) of this subsection and who has an additional pending charge or a violation of probation shall not be excluded from being offered a ~~risk assessment or~~ needs screening unless the other charge is a listed crime.

(6) Any person charged with a criminal offense ~~or~~ , a person who is the subject of a youthful offender petition pursuant to 33 V.S.A. § 5280, or a person 18 years of age or older who is the subject of a delinquency petition pursuant to 33 V.S.A. § 5201, except those persons identified in subdivision (2) of this subsection, may choose to engage with a pretrial services coordinator.

(c) The results of the risk assessment and needs screening shall be provided to the person and his or her attorney, the prosecutor, and the court. Pretrial services coordinators may share information only within the limitations of subsection (e) of this section.

(d)(1) At arraignment, the court may order a person who is eligible to engage with a pretrial services coordinator under subdivision (b)(6) of this section to do the following:

(A) meet with a pretrial services coordinator on a schedule set by the court;

(B) participate in a needs screening with a pretrial services coordinator; and

(C) participate in a clinical assessment by a substance abuse or mental health treatment provider and follow the recommendations of the provider.

(2) The court may order the person to engage in pretrial services. Pretrial services may include the pretrial services coordinator:

(A) supporting the person in meeting conditions of release imposed by the court, including the condition to appear for judicial proceedings; and

(B) connecting the person with community-based treatment programs, rehabilitative services, recovery supports, and restorative justice programs.

(3) If possible, the court shall set the date and time for the clinical assessment at arraignment. In the alternative, the pretrial services coordinator shall coordinate the date, time, and location of the clinical assessment and advise the court, the person and his or her attorney, and the prosecutor.

(4) An order authorized in subdivision (1) or (2) of this subsection shall be in addition to any conditions of release permitted by law and shall not limit the court in any way. Failure to comply with a court order authorized by subdivision (1) or (2) of this subsection shall not constitute a violation of section 7559 of this title.

(5) This section shall not be construed to limit a court's authority to impose conditions pursuant to section 7554 of this title.

* * *

Sec. 2. PILOT PROJECT; DEPARTMENT OF CORRECTIONS REPORT TO COURT; PROBATION CONDITIONS

(a) The Department of Corrections, in consultation with the Court Administrator, the Department of State's Attorneys and Sheriffs, the Office of the Attorney General, and the Office of the Defender General, shall establish a pilot project to provide the court with a report prior to the sentencing of any defendant to a term of probation for a felony pursuant to 28 V.S.A. § 205. The report shall be designed to assist the court in setting probation conditions and shall include the defendant's risk and needs assessment results, mental health and substance use disorder screening results, and criminal history.

(b) The Department, the Court Administrator, the Department of State's Attorneys and Sheriffs, the Office of the Attorney General, and the Office of the Defender General shall jointly select one or two units in the Criminal Division for participation in the pilot project established by this section. On or before December 1, 2022, the Department shall report the results of the pilot project to the Joint Legislative Justice Oversight Committee. The report shall recommend whether the pilot project should be made permanent throughout the State.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(For text see House Journal April 2, 2021)

Action Postponed Until April 13, 2021

Favorable

S. 60

An act relating to allowing municipal and cooperative utilities to offer innovative rates and services

Rep. Patt of Worcester, for the Committee on Energy and Technology, recommends that the bill ought to pass in concurrence.

(Committee Vote: 9-0-0)

(For text see Senate Journal March 19, 2021)

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar of April 8, 2021.

H.C.R. 35

House concurrent resolution honoring Fagan Hart for her admirable leadership of the Vermont Children's Trust Foundation

H.C.R. 36

House concurrent resolution honoring Ludy Biddle for her outstanding leadership at NeighborWorks of Western Vermont

H.C.R. 37

House concurrent resolution honoring Westfield Selectboard Chair extraordinaire Yves Daigle

H.C.R. 38

House concurrent resolution honoring the musical achievements of Vermont Symphony Orchestra Music Director Jaime Laredo

H.C.R. 39

House concurrent resolution congratulating the 2021 Essex High School Hornets Vermont-NEA Scholars' Bowl State championship team

H.C.R. 40

House concurrent resolution congratulating Fatima Khan on earning a finalist ranking in U.S. Senator Bernie Sanders's 2021 State of the Union Essay Contest

H.C.R. 41

House concurrent resolution honoring former Brattleboro Fire Chief Michael Bucossi for his outstanding leadership and community service

Information Notice

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)

JFO #3041 - \$100,000 to the VT Dept. of Fish and Wildlife from Ducks Unlimited to fund a 25-year stewardship of 136 acres in Addison County. The land was donated by Ducks Unlimited with the condition that the Department perform stewardship duties. The yearly projected cost in materials and staff time is \$4,000. *[JFO received 3/08/2021]*

JFO #3042 - \$50,000 to the VT Judiciary from the State Justice Institute to secure consulting services of the National Center for State Courts to advise on the creation of an Access and Resource Center (ARC) which would serve self-represented parties and others looking for support navigating the justice process. *[Note: The budget materials include a \$5,000 Judiciary cash match and \$20,000 of in-kind match.] [JFO received 3/08/2021]*

JFO #3043 - \$4,284,369 from the US Dept of Education to the VT Agency of Education for assistance to VT's approved and recognized non-profit independent schools to address educational disruptions caused by COVID-19. Funds will be managed by the VT Agency of Education. *[NOTE: Funds will be used with the GEER EANS program: Governor's Emergency Education Relief (GEER) Emergency Assistance to Non-public Schools (EANS). This program is replacing Equitable Services in ESSER II and III. Please see [this overview](#) of how the funds will be used by the AOE to support independent schools.] [JFO received 4/5/2021]*

JFO #3044 – One (1) limited service position to the VT Dept. of Disabilities, Aging and Independent Living to develop a Northeast Network of mental health counselors familiar with farmer related stressors. Total first year amount of \$146,766 from the U.S. Department of Agriculture. Position has been

approved for 1 year and is expected to be approved for 2 additional years.
[JFO received 4/05/2021]