

Senate Calendar

TUESDAY, FEBRUARY 16, 2021

SENATE CONVENES AT: 9:30 A.M.

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ACTION CALENDAR

NEW BUSINESS

Third Reading

S. 42.

An act relating to establishing the Emergency Service Provider Wellness Commission.

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

S. 18.

An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes.

Reported favorably with recommendation of amendment by Senator Sears for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 5321 is amended to read:

§ 5321. APPEARANCE BY VICTIM

* * *

(d) At or before the sentencing hearing, the prosecutor's office shall instruct the victim of a listed crime, in all cases where the court imposes a sentence that includes a period of incarceration, that a sentence of incarceration is to the custody of the Commissioner of Corrections and that the Commissioner of Corrections has the authority to affect the actual time the defendant shall serve in incarceration through good time credit, furlough, work-release, and other early release programs. In addition, the prosecutor's office shall explain the significance of a minimum and maximum sentence to the victim ~~and shall also~~, explain the function of parole and how it may affect the actual amount of time the defendant may be incarcerated, and inform the victim of the maximum amount of earned time that the defendant could accrue and that earned time only affects when a defendant is eligible for parole consideration but does not necessarily result in the defendant's release.

* * *

Sec. 2. 28 V.S.A. § 818 is amended to read:

§ 818. EARNED ~~GOOD~~ TIME; REDUCTION OF TERM

(a) On or before September 1, 2020, the Department of Corrections shall file a proposed rule pursuant to 3 V.S.A. chapter 25 implementing an earned ~~good~~ time program to become effective on January 1, 2021. The Commissioner shall adopt rules to carry out the provisions of this section as an emergency rule and concurrently propose them as a permanent rule. The emergency rule shall be deemed to meet the standard for the adoption of emergency rules pursuant to 3 V.S.A. § 844(a).

(b) The earned ~~good~~ time program implemented pursuant to this section shall comply with the following standards:

(1) The program shall be available for all sentenced offenders, including furloughed offenders, provided that the program shall not be available to offenders on probation or parole, to offenders eligible for a reduction of term pursuant to section 811 of this title, to offenders sentenced to serve an interrupted sentence, or to offenders sentenced to life without parole. Offenders currently serving a sentence shall be eligible to begin earning a reduction in term when the earned ~~good~~ time program becomes effective. Notwithstanding this subdivision (1), when an offender has been convicted of a disqualifying offense, the offender's ability to participate and earn time in the program shall be determined pursuant to subdivision (5) of this subsection.

(2) Offenders shall earn a reduction of seven days in the minimum and maximum sentence for each month during which the offender:

(A) is not adjudicated of a major disciplinary rule violation; and

(B) is not reincarcerated from the community for a violation of release conditions, provided that an offender who loses a residence for a reason other than fault on the part of the offender shall not be deemed reincarcerated under this subdivision.

(3) An offender who receives post-adjudication treatment in a residential setting for a substance use disorder shall earn a reduction of one day in the minimum and maximum sentence for each day that the offender receives the inpatient treatment. While a person is in residential substance abuse treatment, he or she shall not be eligible for ~~good~~ earned time except as provided in this subsection.

(4) The Department shall:

(A) ensure that all victims of record are notified of the earned good time program at its outset and made aware of the option to receive notifications from the Department pursuant to this subdivision;

(B) provide timely notice not less frequently than every 90 days to the offender any time the offender receives a reduction in his or her term of supervision pursuant to this section;

(C) maintain a system that documents and records all such reductions in each offender's permanent record; and

(D) record any reduction in an offender's term of supervision pursuant to this section on a monthly basis and ensure that victims who want information regarding changes in scheduled release dates have access to such information.

(5) Notwithstanding 1 V.S.A. § 214, an offender who is serving a sentence for a disqualifying offense on the effective date of this subdivision (5) shall not earn any earned time sentence reductions under this section after the effective date of this act. This subdivision (5) shall not be construed to limit or affect earned time that an offender has earned on or before the effective date of this act.

(c) As used in this section:

(1) "Disqualifying offense" means:

(A) murder in violation of 13 V.S.A. § 2301;

(B) voluntary manslaughter in violation of 13 V.S.A. § 2304;

(C) kidnapping in violation of 13 V.S.A. § 2405;

(D) lewd and lascivious conduct with a child in violation of 13 V.S.A. § 2602, provided that the offense shall not be considered a disqualifying offense if the offender is under 18 years of age, the child is at least 12 years of age, and the conduct is consensual;

(E) sexual assault in violation of 13 V.S.A. § 3252(a) or (b);

(F) aggravated sexual assault in violation of 13 V.S.A. § 3253; or

(G) aggravated sexual assault of a child in violation of 13 V.S.A. § 3253a.

(2) "Interrupted sentence" means a sentence that is not served continuously, including a sentence to be served in intervals or a sentence to the work crew.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-1-0)

NOTICE OF JOINT ASSEMBLY

Thursday, February 18, 2021 - 10:30 A.M. – House Chamber - Election of a Sergeant at Arms, of an Adjutant and Inspector General, and of three (3) trustees for the University of Vermont and State Agricultural College.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

JFO 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 #3030 - \$450,000 to the VT Department of Disabilities, Aging and Independent Living from the Kessler Foundation. Funds will be used to support the expansion or re-designation of current positions in the Department and to create three (3) limited service positions to assist Social Security Disability Insurance and Supplemental Security Income beneficiaries to transition to self-sustaining employment. The request includes one (1) Vocational Rehabilitation Benefits Counselor and two (2) Vocational Rehabilitation Counselor II to complete the work. *Kessler grant funds will support 70% of the VR Benefit Counselor position and 21% of the VR Counselor II positions. The remaining balance will be covered by VR federal funds.*

[JFO received 1/25/2021]

JFO #3031 - \$450,000 to the Department of Public Safety from the Office of Justice Programs for the services and support for victims in the immediate aftermath and during the investigation of a crime. The grant will fully fund one (1) limited-service position, Victim Services Specialist, to provide these services through 9/30/2023 and will also cover \$15,417 in indirect departmental costs.

[JFO received 1/25/2021]

JFO #3032 - \$206,394 to the VT Dept. of Environmental Conservation from the United States Climate Alliance, United Nations Fund, for one (1) limited service position, Environmental Analyst VII, to serve in a leadership role in advancing Vermont's climate mitigation priorities. Position to be funded through 9/30/22.

[JFO received 1/25/2021]

JFO #3033 - One (1) limited service position, Criminal Intelligence Analyst, to the VT. Dept of Public Safety to support information sharing and analysis to prevent and prepare for hazards and threats. Funds from the US Dept. of Homeland Security from previously awarded JFO Grant #2212.

[JFO received 1/27/2021]

JFO #3034 - \$200,000,000 to the VT Agency of Administration from the US Dept. of the Treasury, Emergency Rental Assistance Program. The funds will be used to assist eligible households that have difficulty making timely payments of rent and utilities due to the COVID-19 pandemic. Included in the funding are five (5) limited service positions to administer this sizable grant program.

[JFO received 2/3/2021]

JFO #3035 - \$550,749 to the VT Agency of Human Services from the Center for Disease Control and Prevention to enhance and coordinate healthy aging efforts within the 'Healthy Brain Initiative' framework. Funds will be used to develop systemic public health approaches to improve the public health approach to Alzheimer's and related dementias and decrease preventable hospitalizations among Vermonters 65 and older with Alzheimer's and related dementias. Two (2) limited service positions: One (1) Public Health Program Administrator and one (1) Public Health Analyst II to administer the program.

[JFO received 2/4/2021]