

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 20  
3 entitled “An act relating to pretrial risk assessments and pretrial services”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

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

8 § 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

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

14 ~~(2)~~(1) The objective of a pretrial needs screening is to obtain a  
15 preliminary indication of whether a person has a substantial substance abuse or  
16 mental health issue that would warrant a subsequent court order for a more  
17 detailed clinical assessment.

18 ~~(3)~~(2) Participation in a risk assessment or needs screening pursuant to  
19 this section does not create any entitlement for the assessed or screened person.

20 (b)(1) Except as provided in subdivision (2) of this subsection, a judge may  
21 request that a pretrial services coordinator perform a risk assessment that

1 ~~assesses risk of flight for~~ a person who is arrested, lodged, and unable to post  
2 bail within 24 hours of lodging ~~shall may be offered a risk assessment and, if~~  
3 ~~deemed appropriate by the pretrial services coordinator, a needs screening~~  
4 ~~prior to arraignment.~~

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

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

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

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

19 (6) Any person charged with a criminal offense ~~or~~ , a person who is the  
20 subject of a youthful offender petition pursuant to 33 V.S.A. § 5280, or a  
21 person 18 years of age or older who is the subject of a delinquency petition

1 pursuant to 33 V.S.A. § 5201, except those persons identified in subdivision  
2 (2) of this subsection, may choose to engage with a pretrial services  
3 coordinator.

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

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

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

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

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

18 (2) The court may order the person to engage in pretrial services.

19 Pretrial services may include the pretrial services coordinator:

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

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

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

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

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

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16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on passage.

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3 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE