

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

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3 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE