

1 H.20

2 Introduced by Representative Grad of Moretown

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; pretrial risk assessments; pretrial services

6 Statement of purpose of bill as introduced: This bill proposes to make pretrial
7 risk assessments discretionary rather than mandatory and to make pretrial
8 services available to persons subject to youthful offender petitions and to
9 persons under 18 years of age subject to delinquency petitions.

10 An act relating to pretrial risk assessments and pretrial services

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

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

13 § 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

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

19 (2) The objective of a pretrial needs screening is to obtain a preliminary
20 indication of whether a person has a substantial substance abuse or mental

1 health issue that would warrant a subsequent court order for a more detailed
2 clinical assessment.

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

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

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

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

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

19 (5) A person who qualifies pursuant to subdivision (1) of this subsection
20 and who has an additional pending charge or a violation of probation shall not

1 be excluded from being offered a risk assessment or needs screening unless the
2 other charge is a listed crime.

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

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

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

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

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

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

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

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

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

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

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

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

3 * * *

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on passage.