

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 399
3 entitled “An act relating to incarceration terms for criminal defendants who are
4 primary caretakers of dependent children” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. PURPOSE

8 The purpose of this act is to:

9 (1) prevent unnecessary harm to children caused by separation from
10 parents, guardians, caretakers, or family members during incarceration; and

11 (2) ensure the fair and compassionate treatment of children whose
12 parents, guardians, caretakers, or family members are involved in the criminal
13 justice system by affording certain basic considerations to these children when
14 decisions are made that affect them.

15 Sec. 2. 13 V.S.A. § 7030 is amended to read:

16 § 7030. SENTENCING ALTERNATIVES

17 (a) In determining which of the following should be ordered, the court shall
18 consider the nature and circumstances of the crime; the history and character
19 of the defendant; the defendant’s family circumstances and relationships; the
20 impact of any sentence upon the defendant’s minor child; the need for

1 treatment; and the risk to self, others, and the community at large presented by
2 the defendant:

3 * * *

4 Sec. 3. 28 V.S.A. § 204 is amended to read:

5 § 204. SUBMISSION OF WRITTEN REPORT; PRODUCTION OF
6 RECORDS

7 * * *

8 (g) The presentence investigation report ordered by the court under this
9 section or section of 204a of this title shall consider and set forth information
10 concerning the defendant's family circumstances and relationships pursuant to
11 13 V.S.A. § 7030.

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on July 1, 2022.

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18 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE