

# The Vermont Statutes Online

## Title 13: Crimes And Criminal Procedure

### Chapter 169: Vermont Sentencing Commission

[Section 5451 repealed on July 1, 2021.]

#### § 5451. Creation of Commission

(a) The Vermont Sentencing Commission is established for the purpose of overseeing criminal sentencing practices in the State, reducing geographical disparities in sentencing, and making recommendations regarding criminal sentencing to the General Assembly.

(b) The Commission shall consist of the following members:

- (1) the Chief Justice of the Vermont Supreme Court or designee;
- (2) the Chief Superior Judge or designee, provided that the designee is a sitting or retired Vermont judge;
- (3) a District or Superior Court Judge with substantial criminal law experience appointed by the administrative judge;
- (4) the Chair of the Senate Committee on Judiciary;
- (5) the Chair of the House Committee on Judiciary;
- (6) the Attorney General or designee;
- (7) the Defender General or designee;
- (8) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;
- (9) the Appellate Defender;
- (10) a State's Attorney appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;
- (11) a staff public defender with experience in juvenile defense matters appointed by the Defender General;
- (12) an attorney with substantial criminal law experience appointed by the Vermont Bar Association;
- (13) the Commissioner of Corrections or designee;
- (14) the Commissioner of Public Safety or designee;

(15) the Executive Director of the Vermont Center for Crime Victim Services or designee;

(16) the Executive Director of the Vermont Crime Research Group; and

(17) one member of the public appointed by the Governor.

(c) The Chief Justice shall appoint a chair and vice chair of the Commission. Legislative members of the Commission shall serve only while in office. A substitute shall be appointed for a legislator who no longer serves in such capacity. All other members of the Commission shall serve on the Committee for renewable two-year terms for as long as the member continues to hold the position that made the member eligible for appointment to or membership on the Committee. Vacancies shall be appointed in the same manner as original appointments.

(d) The Commission shall meet at least quarterly and at any additional times at the call of the Chair. The Commission shall take minutes of its meetings and may hold public hearings. Ten members of the Commission shall constitute a quorum.

(e) The Commission shall have the assistance and cooperation of the Judiciary, the Department of Public Safety, the Department of Corrections, the Department for Children and Families, the Department of State's Attorneys and Sheriffs, the Office of Defender General, the Vermont Center for Crime Victim Services, and all other State and local agencies and departments.

(f) Legislative members of the Commission shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 406. Members of the Commission who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses in the same manner as board members are compensated under 32 V.S.A. § 1010. (Added 2005, No. 192 (Adj. Sess.), § 16, eff. May 26, 2006; amended 2017, No. 142 (Adj. Sess.), § 1, eff. May 21, 2018.)

[Section 5452 repealed on July 1, 2021.]

### **§ 5452. Duties**

(a) In addition to the general responsibilities set forth in section 5451 of this title, the Commission shall:

(1) report on historical and existing sentencing practices in Vermont, including the frequency and duration of incarcerative and nonincarcerative sentences for particular offenses;

(2) report on geographical sentencing disparities which result in a defendant's sentence for an offense varying substantially on the basis of the county in which it is committed;

(3) propose a system of statewide discretionary sentencing ranges that take into account historical and existing sentencing practices and establish rational and consistent statewide sentencing standards;

(4) review alternatives to the traditional prosecutorial model and make recommendations for alternative sentencing methods to the General Assembly;

(5) review practices involving probation, parole, early or conditional release, preapproved furlough, supervised community sentence, graduated sanctions, and the awarding of sentencing credits, and make recommendations concerning such practices to the Department of Corrections and the General Assembly;

(6) review developments in criminal law, including statutory modifications and judicial decisions, and make recommendations to the General Assembly when the Commission determines that legislative changes are advisable;

(7) review proposed legislation and make recommendations concerning the proposals to the General Assembly; and

(8) consider any other issue the Commission finds relevant to criminal sentencing and the criminal justice system.

(b) [Repealed.]

(c) It shall be a priority for the Sentencing Commission to develop responses to the significant impacts that increased opioid addiction has had on the criminal justice system. The Commission shall consider:

(1) whether and under what circumstances offenses committed as a result of opioid addiction should be classified as civil rather than criminal offenses;

(2) whether the possession or sale of specific, lesser amounts of opioids and other regulated drugs should be classified as civil rather than criminal offenses;

(3) how to maximize treatment for offenders as a response to offenses committed as a result of opioid addiction. (Added 2005, No. 192 (Adj. Sess.), § 16, eff. May 26, 2006; amended 2011, No. 139 (Adj. Sess.), § 51(d), eff. May 14, 2012; 2017, No. 142 (Adj. Sess.), § 2, eff. May 21, 2018.)