

1 TO THE HONORABLE SENATE:

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 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in 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)~~ The objective of a pretrial needs screening is to obtain a preliminary
15 indication of whether a person has a substantial substance abuse or mental
16 health issue that would warrant a subsequent court order for a more detailed
17 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 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
2 subdivision (2) of this subsection, may choose to engage with a pretrial
3 services 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.

15 * * *

16 Sec. 2. PILOT PROJECT; DEPARTMENT OF CORRECTIONS
17 REPORT TO COURT; PROBATION CONDITIONS

18 (a) The Department of Corrections, in consultation with the Court
19 Administrator, the Department of State’s Attorneys and Sheriffs, the Office of
20 the Attorney General, and the Office of the Defender General, shall establish a
21 pilot project to provide the court with a report prior to the sentencing of any

1 defendant to a term of probation for a felony pursuant to 28 V.S.A. § 205. The
2 report shall be designed to assist the court in setting probation conditions and
3 shall include the defendant’s risk and needs assessment results, mental health
4 and substance use disorder screening results, and criminal history.

5 (b) The Department, the Court Administrator, the Department of State’s
6 Attorneys and Sheriffs, the Office of the Attorney General, and the Office of
7 the Defender General shall jointly select one or two units in the Criminal
8 Division for participation in the pilot project established by this section. On or
9 before December 1, 2022, the Department shall report the results of the pilot
10 project to the Joint Legislative Justice Oversight Committee. The report shall
11 recommend whether the pilot project should be made permanent throughout
12 the State.

13 Sec. 3. EFFECTIVE DATE

14 This act shall take effect on passage.

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18 (Committee vote: _____)

19 _____

20 Senator _____

21 FOR THE COMMITTEE