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STATE OF VERMONT
OFFICE OF THE EXECUTIVE DIRECTOR
DEPARTMENT OF STATE'S ATTORNEYS & SHERIFFS

TO: Senate Judiciary Committee
FROM: Evan Meenan, Deputy State's Attorney
RE: H.399 – An act relating to incarceration terms for criminal defendants who are primary caretakers of dependent children
DATE: April 14, 2022
CC: Benjamin Novogroski, Legislative Counsel

The Department of State's Attorneys does not object to H.399 as passed by the Vermont House of Representatives because Vermont courts are already permitted to consider the impacts of a sentence on a defendant's family. For example, in *State v. Sullivan*, 2018 VT 112, ¶ 7, the Vermont Supreme Court stated:

Accordingly, it is appropriate for the sentencing court to consider a wide range of factors in determining a sentence. These factors include the nature and circumstances of the crime, the history and character of the defendant, the need for treatment, and the risk to self, others, and the community at large presented by the defendant. They also include, among others, the defendant's background, his family, past conduct and his ... propensities, and the "defendant's refusal to accept how his actions harmed the victim.

(emphasis added).