

West's Vermont Statutes Annotated
Title Twenty-Eight. Public Institutions and Corrections
Chapter 11. Supervision of Adult Inmates at the Correctional Facilities (Refs & Annos)
Subchapter 1A. Offender Reintegration

28 V.S.A. § 724

§ 724. Terms and conditions of community supervision furlough

Effective: January 1, 2021

[Currentness](#)

(a) Authority of the Department. The Department shall identify in the terms and conditions of community supervision furlough those programs necessary to reduce the offender's risk of reoffense and to promote the offender's accountability for progress in the reintegration process. The Department shall make all determinations of violations of conditions of community supervision furlough pursuant to this subchapter and any resulting change in status or termination of community supervision furlough status.

(b) 90-day interruption or revocation. Any interruption of an offender's community supervision furlough after the Department has found a technical violation of furlough conditions shall trigger a Department Central Office case staffing review and Department notification to the Office of the Defender General if the interruption will be 90 days or longer.

(c) Appeal. An offender whose furlough status is revoked or interrupted for 90 days or longer shall have the right to appeal the Department's determination to the Civil Division of the Superior Court in accordance with [Rule 74 of the Vermont Rules of Civil Procedure](#). The appeal shall be based on a de novo review of the record. The appellant may offer testimony, and, in its discretion for good cause shown, the court may accept additional evidence to supplement the record. The appellant shall have the burden of proving by a preponderance of the evidence that the Department abused its discretion in imposing a furlough revocation or interruption for 90 days or longer pursuant to subsection (d) of this section.

(d) Technical violations.

(1) As used in this section, “technical violation” means a violation of conditions of furlough that does not constitute a new crime.

(2) It shall be abuse of the Department's discretion to revoke furlough or interrupt furlough status for 90 days or longer for a technical violation, unless:

(A) the offender's risk to reoffend can no longer be adequately controlled in the community, and no other method to control noncompliance is suitable; or

(B) the violation or pattern of violations indicate the offender poses a danger to others or to the community or poses a threat to abscond or escape from furlough.

Credits

2001, No. 61, § 89; 2019, Adj. Sess., No. 148, § 11, eff. Jan. 1, 2021.

Notes of Decisions (1)

28 V.S.A. § 724, VT ST T. 28 § 724

The statutes are current through Acts 81 and M-8 of the Adjourned Session of the 2021-2022 Vermont General Assembly (2022).

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