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**Act No. 138 (S.195). An act relating to how a defendant’s criminal record is considered in imposing conditions of release**

**Subjects: Criminal procedure; crimes; conditions of release**

This act reforms Vermont’s statutes related to bail and conditions of release by adding new considerations for courts to consider, new enforcement mechanisms for prosecutors and courts alike, and new alternatives to incarceration for defendants awaiting trial and post-adjudication.

For defendants awaiting trial, this act adds new factors for the court to consider in imposing bail or conditions of release, or both. Specifically, the courts now must consider whether a defendant is currently under some form of court-ordered supervision, compliant with court orders, or has failed to appear in past court proceedings. Additionally, the \$200.00 cap on bail for defendants charged with an expungable misdemeanor is removed if they are charged with another crime while already awaiting trial. Further, the courts can impose new conditions of release in the form of a new pretrial supervision program and an expanded home detention program for those who meet certain requirements. Defendants who violate conditions of release will also be subject to a clarified and expanded violations of conditions of release statute for prosecutors to use. This act also amends State law to consider the use of a firearm while selling or trafficking drugs as a violent act for determining bail and codifies community restitution, otherwise known as “work crew,” as a sentencing alternative for the courts to impose in lieu of incarceration.

Finally, this act charges the Joint Legislative Justice Oversight Committee to review and recommend the most pragmatic use of funds and the locations to operate the Pretrial Supervision Program. Additionally, the Corrections Monitoring Commission is mandated to do a self-review resulting in recommendations for reforms to operate more functionally and efficiently.

Effective Date: May 30, 2024