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H.326

Introduced by Representatives Rachelson of Burlington, Headrick of
Burlington, Mulvaney-Stanak of Burlington, Sims of
Craftsbury, Small of Winooski, and Stone of Burlington

Referred to Committee on

Date:

Subject: Corrections; correctional facilities; out of state

Statement of purpose of bill as introduced: This bill proposes to prohibit the
transfer of Vermont inmates to an out-of-state correctional facility.

An act relating to prohibition on the transfer of Vermont inmates to an out-
of-state correctional facility

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The General Assembly finds that:

(1) Housing inmates in an out-of-state correctional facility is not a
temporary solution and results in a long-term costly and unsustainable practice
for the State.

(2) Sending inmates out of state discourages visits from family and
friends. Studies have shown a correlation between visitation and reduced
recidivism upon completion of prison time.

1 (3) Out-of-state inmates have restricted access to legal counsel, resulting
2 in an increased reliance on telecommunication. This additional burden
3 subjects prisoners and those who wish to contact them to exorbitant prison
4 phone rates.

5 (4) The State is unable to provide the same level of oversight and care
6 for prisoners held at out-of-state correctional facilities.

7 Sec. 2. 28 V.S.A. § 102 is amended to read:

8 § 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;
9 POWERS; RESPONSIBILITIES

10 (a) The Department is under the direction of the Commissioner, who shall
11 be appointed by the Secretary of Human Services with the approval of the
12 Governor and shall serve at the pleasure of the Secretary. The Commissioner's
13 salary shall be fixed by the Governor within the appropriation for that purpose.

14 (b) The Commissioner is charged with the following powers:

15 * * *

16 (5) To order the assignment and transfer of persons committed to the
17 custody of the Commissioner to correctional facilities, ~~including out-of-state~~
18 ~~facilities.~~

19 * * *

20 (c) The Commissioner is charged with the following responsibilities:

21 * * *

1 (20) ~~To utilize the Department of Buildings and General Services'~~
2 ~~competitive bidding practices in order to determine the most effective and cost-~~
3 ~~effective alternatives for housing inmates in any out-of-state correctional~~
4 ~~facility. [Repealed.]~~

5 * * *

6 Sec. 3. 28 V.S.A. § 817 is amended to read:

7 § 817. CREATION OF WORK CAMPS; INTENT

8 It is the intent of the General Assembly that the creation of one or more new
9 work camps in fiscal year 2006 and after will help alleviate overcrowded
10 conditions in the State's correctional facilities ~~and permit Vermonters housed~~
11 ~~in out-of-state facilities to be brought home to Vermont.~~ The General
12 Assembly specifically does not intend the creation of new work camps to result
13 in an increase in the total number of Vermont offenders sentenced to
14 incarceration. Therefore, specific plans and programs developed by the
15 Department of Corrections shall restrict placement in new work camps to those
16 offenders who have been convicted of a nonviolent offense and who have
17 served a portion of their current sentence within a correctional facility. No
18 court shall impose a sentence of imprisonment to be served initially or solely
19 within the new facility.

20 Sec. 4. 28 V.S.A. § 820 is added to read:

21 § 820. OUT-OF-STATE FACILITIES; PROHIBITION

1 No inmate under the custody of the Commissioner shall be supervised,
2 housed, treated, or cared for in an out-of-state correctional facility.

3 Sec. 5. EFFECTIVE DATE

4 This act shall take effect on January 1, 2025.