

1 required Program fees, the Diversion Program shall file the summons and
2 complaint with the Judicial Bureau for adjudication under 4 V.S.A. chapter 29.
3 The Diversion Program shall provide a copy of the summons and complaint to
4 the law enforcement officer who issued the notice of violation and shall
5 provide two copies to the person charged with the violation.

6 (5) A person aggrieved by a decision of the Diversion Program or
7 alcohol counselor may seek review of that decision pursuant to Rule 75 of the
8 Vermont Rules of Civil Procedure.

9 (6) Notwithstanding 3 V.S.A. §§ 163(a)(2)(C) and 164(a)(2)(C), the
10 adult or juvenile diversion programs shall accept cases from the Youth
11 Substance Awareness Safety Program pursuant to this section, 18 V.S.A.
12 § 4230f(e)(1), or 18 V.S.A. § 4230f(e)(2). The confidentiality provisions of 3
13 V.S.A. § 163 or 164 shall become effective when a notice of violation is issued
14 pursuant to subsection (b) of this section, 18 V.S.A. § 4230f(e)(1), or 18
15 V.S.A. § 4230f(e)(2), and shall remain in effect unless the person fails to
16 register with or complete the Youth Substance Awareness Safety Program.

17 * * *

18 Sec. 4. RESTORATIVE JUSTICE; POST-ADJUDICATION REPARATIVE
19 PROGRAM WORKING GROUP; REPORT

20 (a) Creation. There is created the Post-Adjudication Reparative Program
21 Working Group to create a Post-Adjudication Reparative Program (the

1 “Program”) that promotes uniform access to the appropriate community-based
2 service providers for individuals sentenced to reparative boards and probation
3 pursuant to 13 V.S.A. § 7030(a)(2) and (a)(3). The Working Group shall also
4 study establishing a stable and reliable funding structure for those providers to
5 operate.

6 (b) Membership. The Working Group shall be composed of the following
7 members:

8 (1) the Commissioner of Corrections or designee;

9 (2) the Chief Judge of the Vermont Superior Court or designee; and

10 (3) five representatives selected to represent the State’s community-
11 based restorative justice providers currently receiving reparative board funding
12 from the Department of Corrections appointed by the providers.

13 (c) Powers and duties. The Working Group shall study the following
14 issues:

15 (1) defining the Program and its scope;

16 (2) determining the offenses that presumptively qualify for referral to
17 the Program;

18 (3) establishing any eligibility requirements for individuals sentenced to
19 a reparative board or probation to be referred to the Program;

1 (4) designing uniform operational procedures for Program referrals from
2 the courts, intake, data collection, participant success standards, and case
3 closures;

4 (5) assessing the necessary capacity and resources of the Judiciary, the
5 Department of Corrections, and the community-based restorative justice
6 providers to operate the Program;

7 (6) exploring an approach to achieve greater stability and reliability for
8 the community-based restorative justice providers, including the Designated
9 Agency model; and

10 (7) consulting with the **Office of the Attorney General**, the Department
11 of State’s Attorneys and Sheriffs, the Office of the Defender General, and the
12 Center for Crime Victim Services on considerations to incorporate into the
13 Program.

14 (d) Assistance. The Working Group shall have the administrative,
15 technical, and legal assistance of the Department of Corrections.

16 (e) Report and updates.

17 (1) On or before January 15, 2025, the Working Group shall provide an
18 update to the Senate Committee on Judiciary and House Committees on
19 Corrections and Institutions and on Judiciary concerning any progress.

1 (2) On or before July 15, 2025, the Working Group shall provide an
2 update to the Joint Legislatives Justice Oversight Committee and on Judiciary
3 concerning any progress.

4 (3) On or before November 15, 2025, the Working Group shall submit a
5 written report in the form of proposed legislation to the Joint Legislative
6 Justice Oversight Committee, the Senate Committee on Judiciary, and the
7 House Committees on Corrections and Institutions and on Judiciary.

8 (f) Meetings.

9 (1) The Chief Judge of the Vermont Superior Court or designee shall
10 call the first meeting of the Working Group to occur on or before August 1,
11 2024.

12 (2) The Working Group shall meet not more than six times per year.

13 (2) The Chief Judge of the Vermont Superior Court or designee shall
14 serve as the Chair of the Working Group.

15 (3) A majority of the membership shall constitute a quorum.

16 (4) The Working Group shall cease to exist on January 15, 2026.

17 (g) Compensation and reimbursement. Members of the Working Group
18 who are not employees of the State of Vermont and who are not otherwise
19 compensated or reimbursed for their attendance shall be entitled to
20 compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010
21 for not more than six meetings per year.

1 Sec. 7. DEPARTMENT OF STATE’S ATTORNEYS AND SHERIFFS;

2 POSITION; APPROPRIATION

3 (a) On July 1, 2024, a new, permanent, exempt Director of Policy position
4 is created in the Department of State’s Attorneys and Sheriffs. In addition to
5 any other duties deemed appropriate by the Department, the Director of Policy
6 shall supervise the development, oversight, and compliance work related to the
7 Council’s internal, external, and State-mandated policies.

8 (b) The position of Director of Policy established in subsection (a) of this
9 section shall be subject to a General Fund appropriation in FY 2024.

10 Sec. 8. COMMUNITY JUSTICE UNIT; DIVERSION PROGRAM

11 ADMINISTRATION PLAN; REPORT

12 In counties where there is more than one pre-charge and post-charge
13 diversion provider, the Community Justice Unit of the Office of the Attorney
14 General shall collaborate with each county’s juvenile and adult pre-charge and
15 post-charge providers and each county’s State’s Attorney or designee to
16 develop a plan to streamline the administration and provision of juvenile and
17 adult pre-charge and post-charge diversion programs on or before July 1, 2026.
18 The Community Justice Unit shall report on such plan in the 2026 annual
19 report required pursuant to 3 V.S.A. §§ 163(b)(2) and 164(b)(2).

1 Sec. 9. OFFICE OF THE ATTORNEY GENERAL; PRE-CHARGE

2 DIVERSION PROVIDERS; GRANTS

3 In counties where there is more than one pre-charge or post-charge
4 diversion provider and, based on the records of the Department of Corrections,
5 the pre-charge provider received an average of 25 pre-charge referrals per year
6 during the three preceding fiscal years, the Attorney General shall offer to
7 grant or contract directly with all pre-charge providers in that county or
8 provide for sub-granting or sub-contracting by the current post-charge provider
9 in that county.

10 Sec. 10. REDESIGNATION

11 24 V.S.A. §§ 1961–1969 are redesignated at 28 V.S.A. §§ 915–923.

12 Sec. 11. REPEALS

13 (a) 3 V.S.A. § 163(b)(1)(A) is repealed on July 1, 2029.

14 (b) 3 V.S.A. § 164(b)(1)(A) is repealed on July 1, 2029.

15 (c) Section 9 of this act is repealed on July 1, 2029.

16 Sec. 12. EFFECTIVE DATES

17 This act shall take effect on July 1, 2024 except that Sec. 1 (juvenile and
18 adult pre-charge and post-charge diversion) and Sec 9 (attorney general pre-
19 charge diversion grants) shall take effect on July 1, 2025.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE