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**MEMORANDUM**

To: Senate Committee on Judiciary  
House Committee on Judiciary  
House Committee on Corrections and Institutions

From: Joint Legislative Justice Oversight Committee

Date: December 12, 2023

Subject: Home Detention Review Recommendations

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Pursuant to 2023, Act No. 78, Section E.338.2, the Joint Legislative Justice Oversight Committee (the "Committee") reviewed the Home Detention Program (the "Program") under 13 V.S.A. § 7554b. During its review, the Committee learned that the pathway for an individual to qualify for the Program is quite narrow. Further, the Committee agrees that there is no evidence justifying the repeal of the program; if anything, the Program should be overhauled, expanded, or both. With these concepts in mind, the Committee feels a more comprehensive examination needs to be conducted by your committees of jurisdiction before any proposed legislation can be introduced. Therefore, the Committee makes the following recommendations for topics to examine:

- Review the statutory language of 13 V.S.A. § 7554 (release prior to trial) and 7554b (Home Detention Program). Specifically, the Committee wishes for a holistic review of Vermont's approach to bail and pre-trial release with a focus on whether the Program should be divorced from bail altogether; whether it should be connected to a bailees' inability to pay; whether eligible offenses should include listed and violent crimes; and the proper agency, department, or office to oversee the Program and monitor its participants.
- Partner with the Crime Research Group to gather historical Program data concerning the demographics of the Program's participants, including whether they were pre-trial detainees or probationers who committed a new crime (while maintaining confidentiality); the crimes and crime types of those involved; and the bail amount of those in the Program.
- Coordinate with the Joint Fiscal Office to create an analysis of the Program's cost compared to the cost of incarcerating those involved in the Program and the cost of passive monitoring compared to active monitoring, including the costs associated with expanding the Program to include listed and violent crimes.