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S.14

An act relating to a report on criminal justice-related investments and trends

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 28 V.S.A. § 125 is amended to read:

§ 125. ~~JUSTICE REINVESTMENT II INITIATIVES~~ CRIMINAL JUSTICE INVESTMENTS AND TRENDS; REPORT

(a) Intent. It is the intent of the General Assembly that the report on Vermont’s criminal justice investments and trends required under this section assist in the systemic assessment of the State’s Justice Reinvestment and justice reform efforts and initiatives to inform future legislative policy and fiscal decisions.

(b) Definitions. As used in this section:

(1) “Arrest” means when a person is seized by law enforcement, charged with the commission of an offense, and referred for prosecution.

(2) “Clearance” means the process by which a law enforcement agency closes an offense by arrest or exceptional means in accordance with the Federal Bureau of Investigation’s Uniform Crime Reporting Program.

(3) “Desistance” means the process by which criminality, or the individual risk for antisocial conduct, declines over the life-course of the individual, generally after adolescence.

1 (4) “Exceptional means” means the death of the offender, the victim’s
2 refusal to cooperate with the prosecution after the offender is identified, the
3 denial of extradition because the offender committed a crime in another
4 jurisdiction and is being prosecuted for that offense, or other circumstance in
5 accordance with the Federal Bureau of Investigation’s Uniform Crime
6 Reporting Program.

7 (5) “Recidivism” has the same meaning as in section 4 of this title.

8 (c) Report.

9 (1) ~~On or before January~~ November 15 each year, 2024 and every three
10 years thereafter, the ~~Commissioner of Corrections~~ Vermont Statistical Analysis
11 Center (SAC), in consultation with the Commissioners of Corrections, of
12 Health, of Mental Health, of Public Safety, of Labor, and for Children and
13 Families ~~and~~; the Attorney General; the Defender General; the Chief Superior
14 Judge of the Superior Court; the Division of Racial Justice Statistics; the
15 Executive Director of the Department of State’s Attorneys and Sheriffs; and
16 the Parole Board Director, shall submit a report to the House Committees on
17 Appropriations, on Judiciary, and on Corrections and Institutions ~~and~~, the
18 Senate Committees on Appropriations and on Judiciary ~~detailing the~~
19 expenditures on Justice Reinvestment II and the following related initiatives:
20 (1) ~~funding for domestic violence intervention programming in the~~
21 Department of Corrections;

1 ~~(2) funding for offender transitional housing capacity with the~~
2 ~~Department of Corrections and other departments;~~

3 ~~(3) funding for the Department of Correction's data collection Offender~~
4 ~~Management System;~~

5 ~~(4) funding for community based mental health and substance use~~
6 ~~services for individuals under Department of Corrections supervision;~~

7 ~~(5) funding provided for diversion and restorative justice programs~~
8 ~~including community justice centers, court diversion, and balanced and~~
9 ~~restorative justice (BARJ); and~~

10 ~~(6) funding and a description of any other General Fund expenditures~~
11 ~~for Justice Reinvestment II initiatives., the Joint Legislative Justice Oversight~~
12 ~~Committee, and the Executive Director of the Office of Racial Equity~~
13 ~~examining the trends associated with Vermont's criminal justice-related~~
14 ~~investments and expenditures since the last report was submitted pursuant to~~
15 ~~this section.~~

16 (2) The report required pursuant to subdivision (1) of this subsection
17 shall include data showing:

18 (A) recidivism rates;

19 (B) clearance rates;

20 (C) evidence of desistance, including successful completion of
21 community supervision;

1 (D) returns to incarceration from community supervision with the
2 following relevant data points:

3 (i) community supervision type, classified by probation, parole,
4 and furlough;

5 (ii) an indication if a return was for a violation or a new charge,
6 including the crime type;

7 (iii) an indication if a violation was classified as “significant/not
8 violent” or “significant and violent” for any applicable statuses; and

9 (iv) all available demographic information;

10 (E) bail rates, including detainees held without bail, detainees held
11 with bail and the associated monetary amounts, and bailees who post bail and
12 are released;

13 (F) pretrial detainees held in Vermont correctional facilities,
14 including the crime type and jurisdiction for which they are held;

15 (G) the funding for, and utilization of, substance use **disorder**
16 **treatment**, mental health, educational, and vocational initiatives for
17 incarcerated individuals; and

18 (H) the funding for, and utilization by, individuals served through
19 Justice Reinvestment II and related initiatives, including:

20 (i) domestic violence intervention programming in the Department
21 of Corrections, including the results from the evaluation framework between

1 the Vermont Network Against Domestic and Sexual Violence and the
2 University of Nebraska;

3 (ii) offender transitional housing capacity with the Department of
4 Corrections and other departments;

5 (iii) advancements to the Department of Corrections' data
6 collection Offender Management System;

7 (iv) agencies, departments, municipalities, programs, and services
8 employing restorative justice principles, including community justice centers;

9 (v) other General Fund expenditures for Justice Reinvestment II
10 initiatives;

11 (vi) the Department of Corrections' out-of-state beds contracted
12 by the Department and the average cost per bed in fiscal year 2019 and for
13 each fiscal year thereafter; and

14 (vii) the Department of Corrections' in-state beds, separated by
15 gender, including specialty units and units closed or unavailable in fiscal year
16 2019 and for each fiscal year thereafter.

17 ~~(b) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall~~
18 ~~not apply to the report to be made under this section.~~

19 (d) Informational availability.

1 (1) The information required pursuant to subsection (c) of this section
2 shall include race, gender, age, and other demographic variables whenever
3 possible.

4 (2) The report required pursuant to subsection (c) of this section shall
5 explain any obstacles or impediments to the availability and collectability of
6 data required pursuant to this section, including whether collecting certain data
7 would put particular populations at risk, along with the substance use and
8 mental health needs and educational and vocational status of justice-involved
9 individuals.

10 (e) Data sharing. Notwithstanding any provision of law to the contrary, all
11 State and local agencies and departments that possess the data necessary to
12 compile the report required pursuant to this section shall, upon request, provide
13 SAC with any data that it determines is relevant to the report. The obligation
14 to disclose shall supersede any other legal obligation with respect to the data
15 required pursuant to this section, and a department, agency, or other entity
16 shall not decline to disclose data required based on any other purported legal
17 obligation.

18 (f) Confidentiality. Any data or records transmitted to or obtained by SAC
19 are exempt from public inspection and copying under the Public Records Act
20 and shall be confidential to the extent required by law unless and until the data
21 or records are included in the report required by this section. A State or local

1 agency or department that transmits data or records to SAC shall be the sole
2 records custodian for purposes of responding to requests for the data or
3 records. SAC may direct any request for these data or records to the
4 transmitting agency or department for response.

5 Sec. 2. 28 V.S.A. § 126 is added to read:

6 § 126. COORDINATED JUSTICE REFORM ADVISORY COUNCIL

7 (a) Creation. There is created the Coordinated Justice Reform Advisory
8 Council to establish a unified and collaborative State approach to support State
9 and local community-based programs and services that are consistent with
10 Vermont's restorative justice policy pursuant to section 2a of this title. The
11 Council shall consult with State and local partners to use a data-driven
12 approach that improves public safety, reduces correctional and criminal justice
13 spending, and reinvests savings or redirects funding in strategies that foster
14 desistance or decrease crime, delinquencies, and recidivism.

15 (b) Membership. The Coordinated Justice Reform Advisory Council shall
16 be composed of the following members:

17 (1) the Attorney General or designee;

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

19 (3) the Commissioner of Corrections or designee;

20 (4) the Commissioner for Children and Families or designee;

1 (5) the Executive Director of the Vermont Center for Crime Victim
2 Services or designee;

3 (6) the Executive Director of the Vermont Statistical Analysis Center or
4 designee;

5 (7) one current member of the House of Representatives selected from
6 the Committee on Appropriations, the Committee on Corrections and
7 Institutions, or the Committee on Judiciary, appointed by the Speaker of the
8 House; and

9 (8) one current member of the Senate selected from the Committee on
10 Appropriations or the Committee on Judiciary, appointed by the Committee on
11 Committees.

12 (c) Powers and duties. The Coordinated Justice Reform Advisory Council
13 shall:

14 (1) Review and provide data-driven recommendations for the priorities
15 and appropriations necessary to support a unified and collaborative State
16 approach in accordance with subsection (a) of this section.

17 (2) Review all relevant government appropriations, reauthorizations, and
18 allocations made during the most recent fiscal year.

19 (3) Consult with Department of Mental Health; the Department of
20 State's Attorneys and Sheriffs; the Office of the Defender General; the Parole
21 Board; the Office of Racial Equity; the Office of the Child, Youth, and Family

1 Advocate; the Vermont Network Against Domestic and Sexual Violence; and
2 community justice entities that receive State funding for programs and services
3 employing restorative justice principles on the potential uses and priorities of
4 funding in accordance with subsection (a) of this section.

5 (4) Consistent with subsection (a) of this section, consider opportunities
6 and make recommendations to establish a sustainable planning and funding
7 structure to administer State and local community-based programs and services
8 and modern data collection systems.

9 (5) On or before September 1, 2023 and annually thereafter, recommend
10 to the Commissioner of Corrections the appropriate allocation of not more than
11 \$900,000.00 from the Justice Reinvestment II line item of the Department of
12 Corrections' budget for the upcoming fiscal year to support community-based
13 programs and services, related data collection and analysis capacity, and other
14 initiatives in accordance with subsection (a) of this section.

15 (d) Assistance. The Coordinated Justice Reform Advisory Council shall
16 have the administrative, technical, and legal assistance of the Office of the
17 Attorney General, the Department of Corrections, and the Department for
18 Children and Families for those issues and services within the jurisdiction of
19 the respective office or department.

20 (e) Reports. On or before November 15, 2023 and annually thereafter, the
21 Coordinated Justice Reform Advisory Council shall submit recommendations

1 pursuant to subdivisions (c)(4) and (c)(5) of this section to the Joint Legislative
2 Justice Oversight Committee; the Senate Committees on Appropriations and
3 on Judiciary; and the House Committees on Appropriations, on Corrections
4 and Institutions, and on Judiciary. Any recommendations submitted pursuant
5 to subdivision (c)(4) shall be in the form of proposed legislation.

6 (f) Meetings; officers; committees; rules; compensation; term.

7 (1) The Chief Superior Judge of the Vermont Superior Court or designee
8 shall call the first meeting of the Coordinated Justice Reform Advisory Council
9 on or before July 15, 2023.

10 (2) The Council shall meet not more than six times per year.

11 (3) The Chief Superior Judge of the Vermont Superior Court or designee
12 shall serve as the Chair of the Council.

13 (4) The Council may elect additional officers from its members,
14 establish committees or subcommittees, and adopt procedural rules or bylaws
15 as necessary and appropriate to perform its work.

16 (5) Members who are appointed to the Council shall be appointed for
17 terms of three years, except that the Commissioners of Corrections and for
18 Children and Families and members appointed by the Speaker of the House of
19 Representative and the Senate Committee on Committees shall be appointed
20 for a term of two years. Initial appointments shall be made such that the
21 Commissioners of Corrections and for Children and Families and the members

1 appointed by the Speaker of the House of Representative and the Senate
2 Committee on Committees shall be appointed for a term of one year. Members
3 shall hold office for the term of their appointments until their successors have
4 been appointed. Vacancies on the Council shall be filled for the remaining
5 period of the term in the same manner as initial appointments. Members are
6 eligible for reappointment.

7 (6) A majority of the membership shall constitute a quorum.

8 (7) Members of the Council who are not employees of the State of
9 Vermont and who are not otherwise compensated or reimbursed for their
10 attendance shall be entitled to compensation and reimbursement of expenses
11 pursuant to 32 V.S.A. § 1010 for not more than six meetings per year.

12 (8) Council meetings shall be subject to the Open Meeting Law.

13 Sec. 3. 28 V.S.A. § 102(c) is amended to read:

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

15 * * *

16 (23) To include the Coordinated Justice Reform Advisory Council's
17 appropriation recommendations made pursuant to subdivision 126(c)(5) of this
18 title in the Department's annual proposed budget for the purposes of
19 developing the State budget required to be submitted to the General Assembly
20 in accordance with 32 V.S.A. § 306.

1 Sec. 4. REPEALS

2 (a) 28 V.S.A. 102(c)(23) (Commissioner of Corrections' responsibility to
3 incorporate Coordinated Justice Reform Advisory Council's recommendations
4 into the Department's budget) is repealed on July 1, 2028.

5 (b) 28 V.S.A. § 125 (criminal justice investments and trends; report) is
6 repealed on July 1, 2028.

7 (c) 28 V.S.A. § 126 (Coordinated Justice Reform Advisory Council) is
8 repealed on July 1, 2028.

9 Sec. 5. EFFECTIVE DATES

10 This act shall take effect on July 1, 2023, except that Secs. 1 (criminal
11 justice investments and trends; report) and 4(b) (prospective repeal of 28
12 V.S.A. § 125) shall take effect on passage.