

## S.195 Side-by-Side

Sec. #	As passed by Senate	House Judiciary Report	House Corrections Report
<p style="text-align: center;">Sec. 1</p> <p style="text-align: center;">13 V.S.A. § 7551</p>	<p>(2) In the event the court finds that imposing bail is necessary to mitigate the risk of flight from prosecution for a person charged with a violation of a misdemeanor offense that is eligible for expungement pursuant to subdivision 7601(4)(A) of this title, the court may impose bail in a maximum amount of \$200.00. <u>The \$200.00 limit shall not apply to an offense allegedly committed by a defendant who has been released on personal recognizance or conditions of release pending trial for another offense.</u></p>	<p>(2) In the event the court finds that imposing bail is necessary to mitigate the risk of flight from prosecution for a person charged with a violation of a misdemeanor offense that is eligible for expungement pursuant to subdivision 7601(4)(A) of this title, the court may impose bail in a maximum amount of \$200.00. <u>The \$200.00 limit shall not apply to a person who the court determines has engaged in flight from prosecution in accordance with subdivision 7576(9) or subdivision 7554(a)(1) of this title.</u></p>	<p style="text-align: center;">N/A</p>
<p style="text-align: center;">Sec. 2</p> <p style="text-align: center;">13 V.S.A. § 7554(a)(1)</p>	<p>(1) The defendant shall be ordered released on personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the judicial officer determines that such a release will not reasonably mitigate the risk of flight from prosecution as required. In determining whether the defendant presents a risk of</p>	<p>(1) The defendant shall be ordered released on personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the judicial officer determines that such a release will not reasonably mitigate the risk of flight from prosecution as required. In determining whether the defendant presents a risk of flight from prosecution, the judicial officer shall consider, in addition to any other</p>	<p style="text-align: center;">N/A</p>

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	flight from prosecution, the judicial officer shall consider, in addition to any other factors, the seriousness of the offense charged and the number of offenses with which the person is charged.	factors, the seriousness of the offense charged; the number of offenses with which the person is charged; <u>whether, at the time of the current offense or arrest, the defendant was released on conditions or personal recognizance, on probation, furlough, parole, or other release pending trial, sentencing, appeal, or completion of a sentence for an offense under federal or state law; and whether, in connection with a criminal prosecution, the defendant is compliant with court orders or has failed to appear at a court hearing.</u>	
Sec. 2  13 V.S.A. § 7554(a)(1)(H)	<u>(H) Place the defendant in the electronic monitoring program pursuant to section 7554f of this title.</u>	<u>(H) Place the defendant in the pretrial supervision program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivision 7551(c)(1) of this title.</u>	N/A
Sec. 2  13 V.S.A. § 7554(a)(2)(G)	<u>(G) Place the defendant in the electronic monitoring program pursuant to section 7554f of this title.</u>	<u>(G) Place the defendant in the pretrial supervision program pursuant to section 7555 of this title, provided that the defendant meets the criteria identified in subdivision 7551(c)(1) of this title.</u>	N/A
Sec. 2  13 V.S.A. § 7554(b)(2)	(2) In subdivision (a)(2) of this section, the judicial officer, on the basis of available information, shall take into account the nature and circumstances of the	(2) In subdivision (a)(2) of this section, the judicial officer, on the basis of available information, shall take into account the nature and circumstances of the offense charged; the weight of the evidence against the	N/A

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	<p>offense charged; the weight of the evidence against the accused; <u>the number of offenses with which the accused is charged; whether the accused is subject to release on personal recognizance or subject to conditions of release related to protecting the public in another case pending before federal or state court; whether the accused is subject to conditions related to protecting the public for probation, parole, furlough, or another form of community supervision; whether the accused is currently compliant with any court orders;</u> and the accused's family ties, employment, character and mental condition, length of residence in the community, record of convictions, and record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.</p>	<p>accused; the accused's family ties, employment, character and mental condition, length of residence in the community, record of convictions, and record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings; <u>whether, at the time of the current offense or arrest, the defendant was released on conditions or personal recognizance, on probation, furlough, parole, or other release pending trial, sentencing, appeal, or completion of a sentence for an offense under federal or state law; and whether, in connection with a criminal prosecution, the defendant is compliant with court orders or has failed to appear at a court hearing.</u></p>	
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<p style="text-align: center;">Sec. 3</p> <p style="text-align: center;">13 V.S.A. § 7554b(b)</p>	<p>(b) Procedure. At the request of the court, the Department of Corrections, <u>the prosecutor</u>, or the defendant, the status of a defendant who is detained pretrial in a correctional facility for inability to pay bail after bail has been set by the court, <u>or the status of a defendant who has allegedly violated conditions of release or of personal recognizance</u>, may be reviewed by the court to determine whether the defendant is appropriate for home detention. The review shall be scheduled upon the court's receipt of a report from the Department determining that the proposed residence is suitable for the use of electronic monitoring. A defendant held without bail pursuant to section 7553 or 7553a of this title shall not be eligible for release to the Home Detention Program on or after June 1, 2018. At arraignment or after a hearing, the court may order that the defendant be released to the Home Detention Program, provided that the court finds</p>	<p style="text-align: center;">N/A</p>	<p>(b) <u>Procedure Defendants with the inability to pay bail.</u>  <u>(1) Procedure.</u> At the request of the court, the Department of Corrections, <u>the prosecutor</u>, or the defendant, the status of a defendant who is detained pretrial in a correctional facility for inability to pay bail after bail has been set by the court may be reviewed by the court to determine whether the defendant is appropriate for home detention. The review shall be scheduled upon the court's receipt of a report from the Department determining that the proposed residence is suitable for the use of electronic monitoring. A defendant held without bail pursuant to section 7553 or 7553a of this title shall not be eligible for release to the Home Detention Program on or after June 1, 2018. At arraignment or after a hearing, the court may order that the defendant be released to the Home Detention Program, provided that the court finds placing the defendant on home detention will reasonably assure his or her appearance in court when required <u>mitigate the</u></p>
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	placing the defendant on home detention will reasonably assure his or her appearance in court when required <u>mitigate the defendant's risk of flight</u> and the proposed residence is appropriate for home detention. In making such a determination, the court shall consider:		<u>defendant's risk of flight</u> and the proposed residence is appropriate for home detention. In making such a determination, the court shall consider:
Sec. 3  13 V.S.A. § 7554b(b)(2)	N/A	N/A	<del>(e)(2)</del> Failure to comply. The Department of Corrections may revoke a defendant's home detention status for an unauthorized absence or failure to comply with any other condition of the Program and shall return the defendant to a correctional facility.
Sec. 3  13 V.S.A. § 7554b(c)	(c) Failure to comply. The Department of Corrections may <u>revoke report</u> a defendant's home detention status for an unauthorized absence or failure to comply with any other condition of the Program <u>and shall return the defendant to a correctional facility to the prosecutor and the defendant, provided that a</u>	N/A	<u>(c) Defendants who violate conditions of release.</u> <u>(1) Procedure. At the request of the court, the prosecutor, or the defendant, the status of a defendant who has allegedly violated conditions of release may be reviewed by the court to determine whether the defendant is appropriate for home detention. The review shall be</u>

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	<p>defendant's failure to comply with any condition of the Program for a reason other than fault on the part of the defendant shall not be reportable. To address a reported violation, the prosecutor may initiate:</p> <ol style="list-style-type: none"><li>(1) a review of conditions pursuant to section 7554 of this title;</li><li>(2) a violation of conditions proceeding pursuant to section 7554e of this title;</li><li>(3) a prosecution for contempt pursuant to section 7559 of this title; or</li><li>(4) a bail revocation hearing pursuant to section 7575 of this title.</li></ol>		<p>scheduled upon the court's receipt of a report from the Department determining that the proposed residence is suitable for the use of electronic monitoring. A defendant held without bail pursuant to section 7553 or 7553a of this title shall not be eligible for release to the Home Detention Program on or after June 1, 2024. At arraignment or after a hearing, the court may order that the defendant be released to the Home Detention Program, provided that the court finds placing the defendant on home detention will reasonably mitigate the defendant's risk of flight, the risk of nonappearance, or reasonably ensure protection of the public, and the proposed residence is appropriate for home detention. In making such a determination, the court shall consider the factors listed in subdivisions (b)(1)(A)–(C) of this section.</p> <p>(2) Failure to comply. The Department of Corrections may report a defendant's unauthorized absence or failure to comply with any other condition of the Program to the prosecutor and</p>
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			<p>the defendant, provided that a defendant's failure to comply with any condition of the Program for a reason other than fault on the part of the defendant shall not be reportable. To address a reported violation, the prosecutor may request:</p> <p>(A) a review of conditions pursuant to section 7554 of this title;</p> <p>(B) a prosecution for contempt pursuant to section 7559 of this title; or</p> <p>(C) a bail revocation hearing pursuant to section 7575 of this title.</p>
<p>Sec. 3 13 V.S.A. § 7554b(e)</p>	<p>(e) Program support. The Department may support the operation of the Program through grants of financial assistance to, or contracts for services with, any public or nonprofit entity that meets the Department's requirements.</p>	<p>N/A</p>	<p>(e) Program support. The Department may support the monitoring operations of the Program through grants of financial assistance to, or contracts for services with, any public entity that meets the Department's requirements.</p>
<p>Sec. 3 13 V.S.A. § 7554b(f)</p>	<p>N/A</p>	<p>N/A</p>	<p>(f) Policies and procedures. The Department of Corrections shall establish written policies and procedures for the Home Detention Program to be used by the Department, any contractors or grantees that the Department</p>

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			engages with to assist with the monitoring operations of the program, and to assist the courts in understanding the Program.
Sec. 4  13 V.S.A. § 7554e		Struck from bill	N/A
Sec. 5  13 V.S.A. § 7554f		Struck from bill (Rolled into Pre-Trial Supervision Program)	N/A
Sec. 6/4/4  13 V.S.A. § 7554g(a) / 7555(a)	<u>(a) Purpose. The purpose of the Pre-Trial Supervision Program is to assist eligible people through the use of evidence-based strategies to improve pre-trial compliance with conditions of release, to coordinate and support the provision of pre-trial services when appropriate, to ensure attendance at court appearances, and to decrease the potential to recidivate while awaiting trial.</u>	No change	No change



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Sec. 6/4/4 13 V.S.A. § 7554g(b) / 7555(b)	<u>(b) Definition. As used in this section, “Absconding” has the same meaning as defined in 28 V.S.A. § 722(1).</u>	<u>(b) Definition. As used in this section, “absconded” has the same meaning as “absconding” as defined in 28 V.S.A. § 722(1)(B)–(C).</u>	<u>(b) Definition. As used in this section, “absconded” has the same meaning as “absconding” as defined in 28 V.S.A. § 722(1)(B)–(C).</u>
Sec. 6/4/4 13 V.S.A. § 7554g(c)(1) / 7555(c)(1)	<u>(1) The Pre-Trial Supervision Program shall supervise defendants who violate conditions of release pursuant to section 7554e or 7559 of this title, have not fewer than five pending dockets, pose a risk of nonappearance at court proceedings, pose a risk of flight from prosecution, or pose a risk to public safety.</u>	<u>(1) Beginning on January 1, 2025, the Pretrial Supervision Program shall, if ordered by the court pursuant to subsection (d) of this section, supervise defendants who have been charged with violating a condition of release pursuant to section 7559 of this title or have not fewer than five pending dockets and pose a risk of nonappearance at court hearings, a risk of flight, or a risk of endangering the public.</u>	<u>(1) Except as provided in subsection (g) of this section, beginning on January 1, 2025, the Pretrial Supervision Program shall, if ordered by the court pursuant to subsection (d) of this section, monitor defendants who have been charged with violating a condition of release pursuant to section 7559 of this title or have not fewer than five pending dockets and pose a risk of nonappearance at court hearings, a risk of flight, or a risk of endangering the public.</u>
Sec. 6/4/4	<u>(2) The Department of Corrections shall be responsible for supervising defendants who are placed in the Pre-Trial Supervision</u>	<u>(2) The Department shall assign a pretrial supervisor to monitor defendants in a designated region of Vermont and help coordinate any pretrial services needed by the</u>	<u>(2) The Department shall assign a pretrial supervision officer to monitor defendants in a designated region of Vermont and help coordinate any pretrial</u>

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<p>13 V.S.A. § 7554g(c)(2) / 7555(c)(2)</p>	<p><u>Program.</u> The Department shall assign a pre-trial supervisor to monitor defendants in a designated region of Vermont and help coordinate any pre-trial services needed by the defendant. The Department shall determine the appropriate level of supervision based on evidence-based screenings of those defendants eligible to be placed in the Program. <u>The Department's supervision methods may include use of:</u></p> <ul style="list-style-type: none"> <li>(A) the Department's telephone monitoring system;</li> <li>(B) telephonic meetings with a pre-trial supervisor;</li> <li>(C) in-person meetings with a pre-trial supervisor; or</li> <li>(D) any other means of contact deemed appropriate.</li> </ul>	<p>defendant. The Department shall determine the appropriate level of supervision using evidence-based screenings of those defendants eligible to be placed in the Program. <u>The Department's supervision levels may include use of:</u></p> <ul style="list-style-type: none"> <li>(A) the Department's telephone monitoring system;</li> <li>(B) telephonic meetings with a pretrial supervisor;</li> <li>(C) in-person meetings with a pretrial supervisor;</li> <li>(D) <u>electronic monitoring;</u></li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(E) any other means of contact deemed appropriate.</li> </ul>	<p>services needed by the defendant. The Department shall determine the appropriate level of supervision using evidence-based screenings of those defendants eligible to be placed in the Program. <u>The Department's supervision levels may include use of:</u></p> <ul style="list-style-type: none"> <li>(A) the Department's telephone monitoring system;</li> <li>(B) telephonic meetings with a pretrial supervisor;</li> <li>(C) in-person meetings with a pretrial supervisor;</li> <li>(D) <u>electronic monitoring; or</u></li> <li>(E) any other means of contact deemed appropriate.</li> </ul>
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<p style="text-align: center;">Sec. 6/4/4</p> <p style="text-align: center;">13 V.S.A. § 7554g(c)(3) / 7555(c)(3)</p>	<p>(3) <u>If the court determines that the defendant is appropriate for the Pre-Trial Supervision Program, the court shall issue an order placing the defendant in the Program and setting the defendant's conditions of supervision.</u></p>	<p>(3) <u>When placing a defendant into the Program pursuant to subsection (d) of this section, the court shall issue an order that sets the defendant's level of supervision based on the recommendations submitted by the Department of Corrections.</u></p>	<p>No change from House Judiciary</p>
<p style="text-align: center;">Sec. 6/4/4</p> <p style="text-align: center;">13 V.S.A. § 7554g(d)(1) / 7555(d)(1)</p>	<p>(1) <u>At the request of the court, the prosecutor, or the defendant, the defendant may be reviewed by the court to determine whether the defendant is appropriate for pre-trial supervision. The review shall be scheduled upon the court's receipt of a report from the Department of Corrections determining that the defendant is eligible for pre-trial supervision. A defendant held without bail pursuant to section 7553 or 7553a shall not be eligible for pre-trial supervision.</u></p>	<p>(1) <u>At arraignment or at a subsequent hearing, the prosecutor or the defendant may move, or on the court's own motion, that the defendant be reviewed by the court to determine whether the defendant is appropriate for pretrial supervision. The review shall be scheduled upon the court's receipt of a report from the Department of Corrections containing recommendations pertaining to the defendant's supervision level. A defendant held without bail pursuant to section 7553 or 7553a shall not be eligible for pretrial supervision.</u></p>	<p>(1) <u>At arraignment or at a subsequent hearing, the prosecutor or the defendant may move, or on the court's own motion, that the defendant be reviewed by the court to determine whether the defendant is appropriate for pretrial supervision. The review shall be scheduled upon the court's receipt of a report from the Department of Corrections containing recommendations pertaining to the defendant's supervision level.</u></p>
<p style="text-align: center;">Sec. 6/4/4</p> <p style="text-align: center;">13 V.S.A. § 7554g(d)(2) / 7555(d)(2)</p>	<p>(2) <u>A defendant is eligible for pre-trial supervision if the person:</u>  <u>(A) has violated conditions of release pursuant</u></p>	<p>(2) <u>A defendant is eligible for pretrial supervision if the person has:</u>  <u>(A) violated conditions of release pursuant to section 7559 of this title; or</u></p>	<p>No change from House Judiciary</p>

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	<p>to section 7554e or 7559 of this title;</p> <p>(B) has not fewer than five pending court dockets;</p> <p>(C) poses a risk of nonappearance at court proceedings;</p> <p>(D) poses a risk of flight from prosecution; or</p> <p>(E) poses a risk to public safety.</p>	<p>(B) not fewer than five pending court dockets.</p>	
<p>Sec. 6/4/4</p> <p>13 V.S.A. § 7554g(d)(3) / 7555(d)(3)</p>	<p>(3) After a hearing, the court may order that the defendant be released to the Pre-Trial Supervision Program, provided that the court finds placing the defendant under pre-trial supervision will reasonably ensure the person's appearance in court when required, mitigate the person's risk of flight, or reasonable ensure protection of the public. In making such a determination, the court shall consider any of the following:</p> <p>(A) the nature of the violation of conditions of release pursuant to section 7554e or 7559 of this title;</p>	<p>(3) After a hearing and review of the Department of Corrections' report containing the defendant's supervision level recommendations, the court may order that the defendant be released to the Pretrial Supervision Program, provided that the court finds placing the defendant under pretrial supervision will reasonably ensure the person's appearance in court when required, mitigate the person's risk of flight, or reasonably ensure protection of the public. In making such a determination, the court shall consider the following:</p> <p>(A) the nature of the violation of conditions of release pursuant to section 7559 of this title;</p> <p>(B) the nature and circumstances of the underlying</p>	<p>No change from House Judiciary</p>



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	<p>not later than the next business day following the arrest to modify the defendant's conditions.</p> <p>(2) At the request of the court, the prosecutor, or the defendant, a defendant's compliance with pre-trial supervision conditions may be reviewed by the court. The court may issue an appropriate order in accordance with the following:</p> <p>(A) A defendant who complies with all conditions of the Pre-Trial Supervision Program for not less than 90 days may receive a reduction in supervision level or may be removed from the Program altogether.</p> <p>(B) A defendant who violates a condition of the Pre-Trial Supervision Program may receive an increase in supervision level or other sanction permitted by law.</p>		<p>pretrial supervision conditions may be reviewed by the court.</p> <p>(4) Upon submission of the pretrial supervision officer's sworn affidavit by the prosecutor, the court may issue a warrant for the arrest of a defendant who fails to report to the pretrial supervision officer, commits multiple violations of supervision requirements, or has absconded.</p>
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<p align="center">Sec. 6/4/4</p> <p align="center">13 V.S.A. § 7555(f)</p>	<p align="center">N/A</p>	<p>(f) <u>Manual. On or before November 1, 2024, the Department of Corrections shall establish a written policies and procedures manual for Pretrial Supervision Program to be used by the Department, any contractors or grantees that the Department engages with to assist in operating the Program, and the courts.</u></p>	<p>(f) <u>Policies and procedures.</u>                  (1) <u>On or before November 1, 2024, the Department of Corrections shall establish written policies and procedures for the Pretrial Supervision Program to be used by the Department and any contractors or grantees that the Department engages with to assist in the monitoring operations of the Program and to assist the courts in understanding the Program.</u>                  (2) <u>The Department shall develop policies and procedures concerning supervision levels, evidence-based criteria for each supervision level, and the means of contact that is appropriate for each supervision level.</u></p>
<p align="center">Sec. 6/4/4</p> <p align="center">13 V.S.A. § 7554g(f) / 7555(e)</p>	<p>(f) <u>Contingent on funding. The Pre-Trial Supervision Program established in this section shall operate only to the extent funds are appropriated for its operation.</u></p>	<p align="center">No change from Senate</p>	<p>(g) <u>Contingent on funding. The Pretrial Supervision Program established in this section shall operate only to the extent funds are appropriated for its operation. If the Program is not operating in a particular county, the courts shall not order pretrial supervision as a condition of release in accordance with section 7554 of this title.</u></p>

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<p style="text-align: center;">Sec. 6/4/4</p> <p style="text-align: center;">13 V.S.A. § 7554g(f) / 7555(h)</p>	<p style="text-align: center;">N/A</p>	<p><u>(h) Program support. The Department may support the operation of the Program through grants of financial assistance to, or contracts for services with, any public or nonprofit entity that meets the Department's requirements.</u></p>	<p><u>(h) Program support. The Department may support the operation of the Program through grants of financial assistance to, or contracts for services with, any public entity that meets the Department's requirements.</u></p>
<p style="text-align: center;">Sec. 5 (HJ only)</p> <p style="text-align: center;">13 V.S.A. § 7559(a)</p>	<p style="text-align: center;">N/A</p>	<p><del>(a) The officer in charge of a facility under the control of the department of corrections, county jail or a local lockup shall discharge any person held by him or her upon receipt of an order for release issued by a judicial officer pursuant to section 7554 of this title, accompanied by the full amount of any bond or cash bail fixed by the judicial officer. The officer in charge, or a person designated by the Court Administrator, shall issue a receipt for such bond or cash bail, and shall account for and turn over such bond or cash bail to the court having jurisdiction. The State's Attorney may commence a prosecution for criminal contempt under Rule 42 of the Vermont Rules of Criminal Procedure against a person who violates a condition of release imposed under section 7554 of this title. The maximum penalty that may be imposed under this</del></p>	<p style="text-align: center;">N/A</p>



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		<u>section shall be a fine of \$1,000.00 or imprisonment for six months, or both.</u>	
Sec. 5 (HJ only)  13 V.S.A. § 7559(b)	N/A	(b) <del>The Court Administrator shall designate persons to set bail for any person under arrest prior to arraignment when the offense charged provides for a penalty of less than two years imprisonment or a fine of less than \$1,000.00 or both. Such persons designated by the Court Administrator shall be considered judicial officers for the purposes of sections 7554 and 7556 of this title</del> <u>Upon commencement of a prosecution for criminal contempt, including when considering an afterhours request to set temporary conditions or impose bail for criminal contempt, or upon the initial appearance of the person to answer such offense, in accordance with section 7553, 7553a, 7554, or 7575 of this title, a judicial officer may continue or modify existing conditions of release or terminate release of the person.</u>	N/A

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<p style="text-align: center;">Sec. 5 (HJ only)</p>          <p style="text-align: center;">13 V.S.A. § 7559(c)</p>	<p style="text-align: center;">N/A</p>	<p style="text-align: center;"><del>(c) Any person who is designated by the Court Administrator under subsection (b) of this section, may refuse the designation by so notifying the Court Administrator in writing within seven days of the designation</del>  <u>A person who has been released pursuant to section 7554 of this title with or without bail on condition that the person appear at a specified time and place in connection with a prosecution for an offense and who without just cause fails to appear shall be imprisoned not more than two years or fined not more than \$5,000.00, or both.</u></p>	<p style="text-align: center;">N/A</p>
<p style="text-align: center;">Sec. 5 (HJ only)</p>          <p style="text-align: center;">13 V.S.A. § 7559(d)</p>	<p style="text-align: center;">N/A</p>	<p style="text-align: center;"><del>(d) A person who has been released pursuant to section 7554 of this title with or without bail on condition that he or she appear at a specified time and place in connection with a prosecution for an offense and who without just cause fails to appear shall be imprisoned not more than two years or fined not more than \$5,000.00, or both</del>  <u>Notwithstanding Rule 3 of the Vermont Rules of Criminal Procedure, a law enforcement officer may arrest a person without a warrant when the officer has probable cause to believe the person without just cause has failed to appear at a</u></p>	<p style="text-align: center;">N/A</p>

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		<u>specified time and place in connection with a prosecution for an offense or has violated a condition of release relating to a restriction on travel or a condition of release that the person not directly contact, harass, or cause to be harassed a victim or potential witness.</u>	
Sec. 6 (HJ only)  13 V.S.A. § 7559a(a)	N/A	<u>(a) The officer in charge of a facility under the control of the department of corrections shall discharge any person held by the officer upon receipt of an order for release issued by a judicial officer pursuant to section 7554 of this title, accompanied by the full amount of any bond or cash bail fixed by the judicial officer. The officer in charge, or a person designated by the Court Administrator, shall issue a receipt for such bond or cash bail and shall account for and turn over such bond or cash bail to the court having jurisdiction.</u>	N/A
Sec. 6 (HJ only)  13 V.S.A. § 7559a(b)	N/A	<u>(b) The Court Administrator shall designate persons to set bail for any person under arrest prior to arraignment when the offense charged provides for a penalty of less than two years imprisonment or a fine of not more than \$1,000.00, or both. Such persons designated by the Court Administrator shall be considered</u>	N/A

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		<u>judicial officers for the purposes of sections 7554 and 7556 of this title.</u>	
Sec. 6 (HJ only) 13 V.S.A. § 7559a(c)	N/A	<u>(c) Any person who is designated by the Court Administrator under subsection (b) of this section, may refuse the designation by so notifying the Court Administrator in writing within seven days of the designation.</u>	N/A
Sec. 7 (SJ only) 13 V.S.A. § 7575	N/A	Struck from bill	N/A
Sec. 7 (HJ only)  COMMUNITY RESTITUTION; INTENT	N/A	<u>It is the intent of the General Assembly that the Department of Corrections reinstitute the Community Restitution Program and ensure that it is appropriately staffed and resourced so that it may be offered in all 14 counties as a sentencing alternative.</u>	N/A
Sec. 8 13 V.S.A. § 7576		Struck from bill	N/A

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<p style="text-align: center;">Sec. 9/8</p> <p style="text-align: center;">13 V.S.A. § 7030</p>	<p>(a) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime; the history and character of the defendant; the defendant's family circumstances and relationships; the impact of any sentence upon the defendant's minor children; the need for treatment; <u>any violations of conditions of release by the defendant that are established by reliable evidence</u>; and the risk to self, others, and the community at large presented by the defendant:</p> <p>(1) A deferred sentence pursuant to section 7041 of this title.</p> <p>(2) Referral to a community reparative board pursuant to 28 V.S.A. chapter 12 in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center</p>	<p>(a) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime; the history and character of the defendant; the defendant's family circumstances and relationships; the impact of any sentence upon the defendant's minor children; the need for treatment; <u>any noncompliance with court orders or failures to appear in connection in connection with a criminal prosecution</u>; and the risk to self, others, and the community at large presented by the defendant:</p> <p>(1) A deferred sentence pursuant to section 7041 of this title.</p> <p>(2) Referral to a community reparative board pursuant to 28 V.S.A. chapter 12 in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this subdivision does not require the court to place the offender on probation. The offender shall return to court for further sentencing if the reparative board does not accept the case or if</p>	<p style="text-align: center;">N/A</p>
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	<p>under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this subdivision does not require the court to place the offender on probation. The offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.</p> <p>(3) Probation pursuant to 28 V.S.A. § 205.</p> <p>(4) Supervised community sentence pursuant to 28 V.S.A. § 352.</p> <p>(5) Sentence of imprisonment.</p> <p>(b) When ordering a sentence of probation, the court may require participation in the Restorative Justice Program established by 28 V.S.A. chapter 12 as a condition of the sentence.</p>	<p>the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.</p> <p>(3) <u>Community restitution pursuant to a policy adopted by the Commissioner of Corrections.</u></p> <p>(4) Probation pursuant to 28 V.S.A. § 205.</p> <p><del>(4)</del>(5) Supervised community sentence pursuant to 28 V.S.A. § 352.</p> <p><del>(5)</del>(6) Sentence of imprisonment.</p>	
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<p>Sec. 10/9</p> <p>18 V.S.A. § 4253(c)</p>	<p>(c) For purposes of this section, “use of a firearm” <del>shall include</del> <u>includes:</u></p> <p><u>(1) using a firearm while selling or trafficking a regulated drug; and</u></p> <p><u>(2) the exchange of firearms for drugs, and this section shall apply to the person who trades a firearm for a drug and the person who trades a drug for a firearm.</u></p> <p><u>(d) Conduct constituting the offense of using a firearm while selling or trafficking a regulated drug shall be considered a violent act for the purposes of determining bail.</u></p>	<p>No change</p>	<p>N/A</p>
<p>Sec. 10 (HCI only)</p> <p>JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE; PRETRIAL SUPERVISION PROGRAM; RECOMMENDATION; REPORT</p>	<p>N/A</p>	<p>N/A</p>	<p><u>(a) The Joint Legislative Justice Oversight Committee shall review the PreTrial Supervision Program established pursuant to 13 V.S.A. § 7555. The Committee shall review and provide recommendations to the Department of Corrections for the most prudent use of any funds appropriated to the Department to operate the Program. The review shall also include recommendations concerning the geographic areas that the</u></p>

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			<p><u>Department may first implement the Program and future funding mechanisms for the Program.</u>  <u>(b) The Committee’s recommendations pursuant to subsection (a) of this section shall be submitted to the Department on or before September 1, 2024 and to the General Assembly on or before November 15, 2024.</u></p>
<p>Sec. 11 (HCI only)</p>           <p>CORRECTIONS  MONITORING  COMMISSION;  DEFICIENCIES  RECONSTITUTION;  REPORT</p>	<p>N/A</p>	<p>N/A</p>	<p><u>(a) On or before January 1, 2025, the Corrections Monitoring Commission shall conduct a review to identify what the Commission’s needs are to operate, including its structural challenges; recommendations of changes to the membership of the Commission; the training necessary for members to operate effectively as a Commission; and the resources necessary given its mandates pursuant to 28 V.S.A. § 123.</u>  <u>(b) On or before January 15, 2025, the Commission shall present the results of the review to the Senate Committee on Judiciary and the House Committee on Corrections and Institutions.</u></p>



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Sec. 12 (HCI only)  PROSPECTIVE REPEAL (pretrial supervision program)			<u>13 V.S.A. § 7555 shall be repealed on December 31, 2026.</u>
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