

1 Introduced by
2 Referred to Committee on
3 Date:
4 Subject: <Subject>
5 Statement of purpose of bill as introduced: This bill proposes to <Purpose>

6 An act relating to <Title>

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

8

9 **Sec. 1.**

10 **13 V.S.A. § 7551(b) is amended to read:**

11 (b)(2) In the event that the court finds that imposing bail is necessary to
12 mitigate risk of flight from prosecution for a person charged with a violation of
13 a misdemeanor offense that is eligible for expungement pursuant to
14 subdivision 7601(4)(A) of this title, the court may impose bail in the maximum
15 amount of \$200.00. **The \$200.00 limit shall not apply to an offense committed**

16 **by a defendant who has been released pending trial for another offense.**

17 (3) This subsection shall not be construed to restrict the court's ability to
18 impose conditions on such persons to reasonably mitigate the risk of flight
19 from prosecution or to reasonably protect the public in accordance with section
20 7554 of this title.

1 **Sec. 2**

2 **13 V.S.A. § 7554(a)(1) is amended to read:**

3 ...

4 (1) The defendant shall be ordered released on personal recognizance or
5 upon the execution of an unsecured appearance bond in an amount
6 specified by the judicial officer unless the judicial officer determines
7 that such a release will not reasonably mitigate the risk of flight from
8 prosecution as required. In determining whether the defendant presents
9 a risk of flight from prosecution, the judicial officer shall consider, in
10 addition to any other factors, the seriousness of the offense charged, the
11 number of offenses with which the person is charged, whether, at the
12 time of the current offense or arrest, the person was on probation,
13 parole or other release pending trial, sentencing, appeal or completion
14 of sentence for an offense under federal, state or local law; the person's
15 noncompliance with court orders and failures to appear at court
16 hearings. If the officer determines that the defendant presents a risk of
17 flight from prosecution, the officer shall, either in lieu of or in addition
18 to the methods of release in this section, impose the least restrictive of
19 the following conditions or the least restrictive combination of the
20 following conditions that will reasonably mitigate the risk of flight of
21 the defendant as required:

Commented [TL1]: Perhaps could be worded differently, but the point here is that if someone has ongoing supervision &/OR has other pending criminal exposure - that this should be something courts consider.

Commented [TL2]: This reference SHOULD hopefully cover/include Violations of Conditions of Release as well as other instances of noncompliance with court orders (e.g., VAPOs/RFAs etc.)

1 ...

2 (B) Place restrictions on the travel, ~~or~~ association **or place of abode** of the
3 defendant during the period of release.

4 ...

5 (F) Impose any other condition found reasonably necessary to mitigate the risk
6 of flight **from prosecution** as required, including a condition requiring that the
7 defendant return to custody after specified hours.

8 ...

9 (2) If the judicial officer determines that the conditions or release imposed
10 to mitigate the risk of flight **from prosecution** will not reasonably
11 protect the public, the judicial officer may impose in addition the least
12 restrictive of the following conditions or the least restrictive
13 combination of the following conditions that will reasonably ensure the
14 protection of the public:

15 ...

16 **Sec. 3.**

17 **13 V.S.A. § 7576(9) is amended to read:**

18 “Flight from prosecution” means any action or behavior undertaken by a
19 person charged with a criminal offense to avoid court proceedings **which shall**
20 **include noncompliance with court orders and failures to appear at court**
21 **hearings.**

Commented [TL3]: There are several of these that should reflect the definition so this technical drafting should be Leg Counsel's job.

Commented [TL4]: Again, this definition SHOULD hopefully cover/include Violations of Conditions of Release as well as other instances of noncompliance with court orders (e.g., VAPOs/RFAs etc.)

(draft bail amendments bill)
11/29/2023 -

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2 Sec. X. EFFECTIVE DATE

3 This act shall take effect on August 1, 2024.