

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 27
3 entitled “An act relating to reducing the imposition of cash bail” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. 13 V.S.A. § 7551 is amended to read:

8 § 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND
9 APPEARANCE BONDS

10 (a) Bonds; generally. A bond given by a person charged with a criminal
11 offense or by a witness in a criminal prosecution under section 6605 of this
12 title, conditioned for the appearance of the person or witness before the court
13 in cases where the offense is punishable by fine or imprisonment, and in
14 appealed cases, shall be taken to the Criminal Division of the Superior Court
15 where the prosecution is pending and shall remain binding upon parties until
16 discharged by the court or until sentencing. The person or witness shall appear
17 at all required court proceedings.

18 (b) Limitation on imposition of bail, secured appearance bonds, and
19 appearance bonds.

20 (1) ~~Except as provided in subdivision (2) of this subsection, no~~ No bail,
21 secured appearance bond, or appearance bond may be imposed:

1 ~~(A)~~ at the initial appearance of a person charged with a misdemeanor
2 ~~if the person was cited for the offense in accordance with Rule 3 of the~~
3 ~~Vermont Rules of Criminal Procedure; or~~

4 ~~(B)~~ at the initial appearance or upon the temporary release pursuant
5 ~~to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged~~
6 ~~with a violation of a misdemeanor offense that is eligible for expungement~~
7 ~~pursuant to subdivision 7601(4)(A) of this title.~~

8 (2) ~~In the event the court finds that imposing bail is necessary to~~
9 ~~mitigate the risk of flight from prosecution for a person charged with a~~
10 ~~violation of a misdemeanor offense that is eligible for expungement pursuant~~
11 ~~to subdivision 7601(4)(A) of this title, the court may impose bail in a~~
12 ~~maximum amount of \$200.00.~~

13 ~~(3)~~ This subsection shall not be construed to restrict the court's ability to
14 impose conditions on such persons to reasonably mitigate the risk of flight
15 from prosecution or to reasonably protect the public in accordance with section
16 7554 of this title.

17 Sec. 2. PROPOSAL TO ELIMINATE CASH BAIL

18 The Vermont Sentencing Commission, in consultation with the Vermont
19 Network Against Domestic and Sexual Violence, shall identify the conditions
20 that would be required to move toward the elimination of the use of cash bail
21 for the purpose of mitigating risk of flight from prosecution and develop a

1 proposal to reduce the use of cash bail in Vermont. The Commission shall
2 report its findings and recommendations to the General Assembly on or before
3 December 1, 2023.

4 Sec. 3. JUDICIARY; NOTICES OF HEARINGS

5 (a) To reduce the instances of failure to appear by persons who are charged
6 with a criminal offense, on or before July 1, 2025, the Judiciary shall establish
7 and implement a system to electronically notify such persons of upcoming
8 required court appearances.

9 (b) On or before December 1, 2023, the Judiciary shall report to the
10 General Assembly any requests for legislation or monies necessary to fund the
11 system identified in subsection (a) of this section.

12 (c) On or before December 1, 2026, the Judiciary shall report to the
13 General Assembly on the efficacy of the notification system.

14 Sec. 4. EFFECTIVE DATES

15 (a) This section and Secs. 2 and 3 shall take effect on passage.

16 (b) Sec. 1 shall take effect on July 1, 2025.

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3 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE