

No. 94. An act relating to the calculation of recidivism and other related criminology measures.

(H.410)

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

Sec. 1. 13 V.S.A. chapter 233 is added to read:

CHAPTER 233. CRIMINOLOGY MEASURES

§ 8121. DEFINITION

As used in this chapter, “recidivism” means a relapse into criminal activity as evidenced by an individual who is convicted of a criminal offense after receiving a criminal conviction for a previous crime. The date of the recidivism event is the date of arraignment for the subsequent offense. The arraignment date is used as a proxy for when the subsequent offense was committed. The recidivism calculation shall begin on the date an individual is released from incarceration or the date when an individual is sentenced to a non-custodial sentence.

§ 8122. VERMONT STATISTICAL ANALYSIS CENTER ANNUAL REPORTS

(a) Annual reports. Annually, on or before April 1, the Vermont Statistical Analysis Center (SAC) shall submit the following reports to the House and Senate Committees on Judiciary, the House Committee on Corrections and Institutions, and the Senate Committee on Institutions:

(1) Bail rates. An annualized report on bail rates, including hold without bail, monetary amounts, and bail posting information aggregated by

county. The report shall include data on pretrial detainees held in Vermont correctional facilities, including the crime type and jurisdiction for which they are held.

(2) Recidivism. A report on the annual recidivism rate that measures individuals who are convicted of a criminal offense after receiving a criminal conviction for a previous crime. The recidivism rate shall be calculated using a three-year and five-year period.

(3) Arrests and clearance rates. An annualized report on arrests and clearance rates. Arrests shall be organized by crime according to data from the National Incident-Based Reporting System.

(4) Most convicted crimes.

(A) A report detailing aggregated information on the number, type, and length of sentences, including fines, for the 20 crimes with the highest number of convictions.

(B) A report detailing the total combined years of probation and incarceration sentenced by the court in the prior year. The report shall include an analysis of which crimes and counties contributed most significantly to the sentences imposed.

(b) Demographic variables. The information required pursuant to subsection (a) of this section shall include race, gender, age, and other demographic variables whenever possible.

(c) Data sharing. Notwithstanding any provision of law to the contrary, all State and local agencies and departments that possess the data necessary to compile the reports required pursuant to this section shall, upon request, provide the SAC with any data that it determines is relevant to the report. The obligation to disclose shall supersede any other legal obligation with respect to the data required pursuant to this section, and a department, agency, or other entity shall not decline to disclose data required based on any other purported legal obligation. Prior to submission of the reports required by this section, the SAC shall provide copies of drafts of the reports to State and local agencies and departments that provided the SAC with data to compile the reports and allow a reasonable time period for comment from such State and local agencies.

Sec. 2. 28 V.S.A. § 4 is amended to read:

§ 4. ~~STANDARD MEASURE OF RECIDIVISM~~

~~The Department shall calculate the rate of recidivism based upon offenders who are sentenced to more than one year of incarceration who, after release from incarceration, return to prison within three years for a conviction for a new offense or a violation of supervision resulting, and the new incarceration sentence or time served on the violation is at least 90 days. [Repealed.]~~

Sec. 3. 28 V.S.A. § 125 is amended to read:

§ 125. CRIMINAL JUSTICE INVESTMENTS AND TRENDS; REPORT

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(b) Definitions. As used in this section:

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

[Repealed.]

* * *

(c) Report.

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

(A) ~~recidivism rates;~~ [Repealed.]

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Sec. 4. VERMONT STATISTICAL ANALYSIS CENTER;

APPROPRIATIONS

In fiscal year 2027, the following monies are appropriated from the General Fund to the Department of Public Safety for contracted support related to the Vermont Statistical Analysis Center:

(1) \$10,000.00 for the annual bail rates report required by 13 V.S.A. § 8122(a)(1).

(2) \$10,000.00 for the annual recidivism report required by 13 V.S.A. § 8122(a)(2).

(3) \$1,000.00 for the annual arrests and clearance rates report required by 13 V.S.A. § 8122(a)(3).

(4) \$4,000.00 for the annual sentencing reports required by 13 V.S.A.

§ 8122(a)(4).

Sec. 5. EFFECTIVE DATE

This act shall take effect July 1, 2026.

Date Governor signed bill: May 11, 2026