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H.252

Introduced by Representatives Pritchard of Pawlet, Bosch of Clarendon,
Boutin of Barre City, Branagan of Georgia, Burditt of West
Rutland, Burtt of Cabot, Canfield of Fair Haven, Casey of
Hubbardton, Charlton of Chester, Coffin of Cavendish, Demar
of Enosburgh, Dolgin of St. Johnsbury, Galfetti of Barre Town,
Goslant of Northfield, Greer of Bennington, Gregoire of
Fairfield, Harrison of Chittenden, Harvey of Castleton, Higley
of Lowell, Howland of Rutland Town, Kascenska of Burke,
Keyser of Rutland City, Labor of Morgan, Laroche of Franklin,
Lipsky of Stowe, Luneau of St. Albans City, Maguire of
Rutland City, Malay of Pittsford, McFaun of Barre Town,
Morgan, L. of Milton, Morgan, M. of Milton, Morris of
Springfield, Morrissey of Bennington, Morrow of Weston,
Nielsen of Brandon, North of Ferrisburgh, Oliver of Sheldon,
Page of Newport City, Parsons of Newbury, Pinsonault of
Dorset, Powers of Waterford, Southworth of Walden, Sweeney
of Shelburne, Tagliavia of Corinth, Walker of Swanton, Wells
of Brownington, and Winter of Ludlow

Referred to Committee on
Date:

1 Subject: Corrections; earned time

2 Statement of purpose of bill as introduced: This bill proposes to prohibit a
3 person convicted of a second or subsequent felony from receiving earned time
4 to reduce the person's sentence.

5 An act relating to prohibiting earned time for second or subsequent felony
6 convictions

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

8 Sec. 1. 28 V.S.A. § 818 is amended to read:

9 § 818. EARNED TIME; REDUCTION OF TERM

10 (a) On or before September 1, 2020, the Department of Corrections shall
11 file a proposed rule pursuant to 3 V.S.A. chapter 25 implementing an earned
12 time program to become effective on January 1, 2021. The Commissioner
13 shall adopt rules to carry out the provisions of this section as an emergency
14 rule and concurrently propose them as a permanent rule. The emergency rule
15 shall be deemed to meet the standard for the adoption of emergency rules
16 pursuant to 3 V.S.A. § 844(a).

17 (b) The earned time program implemented pursuant to this section shall
18 comply with the following standards:

19 (1) The program shall be available for all sentenced offenders, including
20 furloughed offenders, provided that the program shall not be available to

1 offenders on probation or parole, to offenders eligible for a reduction of term
2 pursuant to section 811 of this title, to offenders sentenced to serve an
3 interrupted sentence, to offenders sentenced for a felony after having been
4 previously convicted of a felony, or to offenders sentenced to life without
5 parole. Offenders currently serving a sentence shall be eligible to begin
6 earning a reduction in term when the earned time program becomes effective.
7 Notwithstanding this subdivision (1), when an offender has been convicted of a
8 disqualifying offense, the offender's ability to participate and earn time in the
9 program shall be determined pursuant to subdivision (5) of this subsection.

10 * * *

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on passage.