

1 H.409

2 An act relating to appeals of orders denying bail revocation

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

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

5 § 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND
6 APPEARANCE BONDS

7 * * *

8 (b) Limitation on imposition of bail, secured appearance bonds, and
9 appearance bonds.

10 (1) Except as provided in subdivision (2) of this subsection, no bail,
11 secured appearance bond, or appearance bond may be imposed:

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

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

19 (2) In the event the court finds that imposing bail is necessary to
20 mitigate the risk of flight from prosecution for a person charged with a
21 violation of a misdemeanor offense that is eligible for ~~expungement~~ sealing

1 pursuant to subdivision 7601(4)(A) of this title, the court may impose bail in a
2 maximum amount of \$200.00. The \$200.00 limit shall not apply to an offense
3 allegedly committed by a defendant who has been released on personal
4 recognizance or conditions of release pending trial for another offense.

5 * * *

6 Sec. 2. 13 V.S.A. § 7556 is amended to read:

7 § 7556. APPEAL FROM CONDITIONS OF RELEASE OR BAIL
8 REVOCATION DENIAL

9 (a) A person who is detained, or whose release on a condition requiring
10 ~~him or her~~ the person to return to custody after specified hours is continued,
11 after review of ~~his or her~~ the person's application pursuant to subsection
12 7554(d) or (e) of this title by a judicial officer, other than a judge of the court
13 having original jurisdiction over the offense with which ~~he or she~~ the person is
14 charged or a Justice of the Supreme Court, may move the court having original
15 jurisdiction over the offense with which ~~he or she~~ the person is charged to
16 amend the order. The motion shall be determined promptly.

17 (b) When a person is detained after a court denies a motion under
18 subsection (a) of this section or when conditions of release have been imposed
19 or amended by the judge of the court having original jurisdiction over the
20 offense charged, an appeal may be taken to a single Justice of the Supreme
21 Court who may hear the matter or at ~~his or her~~ the Justice's discretion refer it

1 to the entire Supreme Court for hearing. No further appeal may lie from the
2 ruling of a single Justice in matters to which this subsection applies. Any order
3 so appealed shall be affirmed if it is supported by the proceedings below. If
4 the order is not supported, the Supreme Court or single Justice hearing the
5 matter may remand the case for a further hearing or may, with or without
6 additional evidence, order the person released. The appeal shall be determined
7 forthwith.

8 (c)(1) When a person is released, with or without bail or other conditions of
9 release, an appeal may be taken by the State to a single Justice of the Supreme
10 Court who may hear the matter or at ~~his or her~~ the Justice's discretion refer it
11 to the entire Supreme Court for hearing. No further appeal may lie from the
12 ruling of a single Justice in matters to which this subsection applies. Any order
13 so appealed shall be affirmed if it is supported by the proceedings below. If
14 the order is not supported, the Supreme Court or single Justice hearing the
15 matter may remand the case for a further hearing or may, with or without
16 additional evidence, modify or vacate the order. The appeal shall be
17 determined ~~forthwith~~ promptly.

18 (2) When a request to revoke bail pursuant to section 7575 of this title is
19 denied, the State may appeal the court's order in accordance with the
20 procedure outlined in subdivision (1) of this subsection.

1 (d) A person held without bail under section 7553a of this title prior to trial
2 shall be entitled to an independent, second evidentiary hearing on the merits of
3 the denial of bail, which shall be a hearing de novo by a single Justice of the
4 Supreme Court forthwith. Pursuant to 4 V.S.A. § 22 the Chief Justice may
5 appoint and assign a retired justice or judge with ~~his or her~~ the retired justice's
6 or judge's consent or a Superior judge or ~~District~~ judge to a special assignment
7 on the Supreme Court to conduct that de novo hearing. Such hearing de novo
8 shall be an entirely new evidentiary hearing without regard to the record
9 compiled before the trial court; except, the parties may stipulate to the
10 admission of portions of the trial court record.

11 (e) A person held without bail prior to trial shall be entitled to review of
12 that determination by a panel of three Supreme Court Justices within seven
13 business days after bail is denied.

14 Sec. 3. EFFECTIVE DATE

15 This act shall take effect on passage.