

1 H.410

2 Introduced by Representative LaLonde of South Burlington

3 Referred to Committee on

4 Date:

5 Subject: Corrections; general definitions; recidivism; desistence; repeat violent
6 offenders

7 Statement of purpose of bill as introduced: This bill proposes to redefine how
8 recidivism is calculated and establishes a graduated classification system to
9 track individuals who recidivate. The bill also proposes establishing
10 definitions, calculations, and classification systems to measure individuals who
11 commit repeat violent offenses.

12 An act relating to the calculation of recidivism and other related
13 criminology measures

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

15 Sec. 1. 28 V.S.A. § 3 is amended to read:

16 § 3. GENERAL DEFINITIONS

17 As used in this title:

18 (1) "Child" means any person:

1 (A) charged with having committed a delinquent act as defined in
2 33 V.S.A. § 5102 or adjudicated a delinquent and committed to the custody of
3 the Commissioner; or

4 (B) charged with being or adjudicated unmanageable as defined by
5 33 V.S.A. § 5102(3)(C) and (D), and committed to the custody of the
6 Commissioner for Children and Families and subsequently transferred to the
7 custody of the Commissioner.

8 (C) [Repealed.]

9 (2) “Commissioner” means the Commissioner of Corrections.

10 (3) “Correctional facility” or “facility” means any building, enclosure,
11 space, or structure of or supported by the Department and used for the
12 confinement of persons committed to the custody of the Commissioner, or for
13 any other matter related to such confinement.

14 (4) “Department” means the Department of Corrections.

15 (5) “Inmate” means any person, not a child, committed to the custody of
16 the Commissioner pursuant to the law of the State and subsequently committed
17 to a correctional facility and any person confined at a correctional facility
18 during the pendency of a prosecution against him or her.

19 (6) “Law” includes the laws and ordinances of the State, its political
20 subdivisions, and municipalities.

1 (7) “Law enforcement officer” means a State Police officer, a sheriff, a
2 deputy sheriff, a municipal police officer, a constable, the Commissioner, or a
3 member of the Department of Corrections when appointed in writing by the
4 Commissioner and when his or her appointment is filed in the Office of the
5 Secretary of State. The Commissioner or such member shall have the same
6 powers as a sheriff.

7 (8) “Offender” means any person convicted of a crime or offense under
8 the laws of this State, and, for purposes of ~~work crew~~ community restitution, a
9 person found in civil contempt under 15 V.S.A. § 603.

10 (9) “Supervising officer” means the highest administrative officer in
11 charge of any correctional facility.

12 (10) “Correctional officer” means any person who is an employee of the
13 Department of Corrections whose official duties or job classification includes
14 the supervision or monitoring of a person on parole, probation, or serving any
15 sentence of incarceration whether inside or outside a correctional facility, and
16 who has received training, as approved by the Commissioner of Corrections, as
17 provided in section 551a of this title.

18 (11) “Recidivism” means a person who is convicted of a criminal
19 offense after receiving a criminal conviction for a previous crime.

1 (12) “Repeat violent offender” means a person who commits repeated
2 criminal offenses for which the crime type against another individual is
3 considered violent.

4 (13) “Restorative justice program” means a program developed and
5 implemented by the Commissioner, consistent with State policy and legislative
6 intent as provided by section 2a of this title.

7 ~~(12)~~(14) Despite other names this concept has been given in the past or
8 may be given in the future, “segregation” means a form of separation from the
9 general population that may or may not include placement in a single-
10 occupancy cell and that is used for disciplinary, administrative, or other
11 reasons, but shall not mean confinement to an infirmary or a residential
12 treatment setting for purposes of evaluation, treatment, or provision of
13 services.

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

15 § 4. STANDARD MEASURE AND CLASSIFICATIONS OF RECIDIVISM;

16 REPEAT VIOLENT OFFENDERS

17 (a) Recidivism.

18 (1) Classifications. The Department shall ~~calculate~~ classify the rate type
19 of recidivism based upon ~~offenders~~ persons who are ~~sentenced to more than~~
20 ~~one year of incarceration who, after release from incarceration, return to prison~~
21 ~~within three years for a conviction for a new offense or a violation of~~

1 ~~supervision resulting, and the new incarceration sentence or time served on the~~
2 ~~violation is at least 90 days~~ convicted of a criminal offense and meet one of the
3 following:

4 (A) Class one recidivism. Not less than one year has elapsed from
5 the time of sentencing before the person commits a new offense that results in
6 a conviction.

7 (B) Class two recidivism. Not less than three years have elapsed
8 from the time of sentencing before the person commits a new offense that
9 results in a conviction.

10 (C) Class three recidivism. Not less than five years have elapsed
11 from the time of sentencing before the person commits a new offense that
12 results in a conviction.

13 (D) Class four recidivism. Not less than 10 years have elapsed from
14 the time of sentencing before the person commits a new offense that results in
15 a conviction.

16 (2) Calculations.

17 (A) Persons sentenced to incarceration will be considered eligible to
18 reconvict upon release from a correctional facility.

19 (B) Persons sentenced to a noncarceral sentence are considered
20 eligible to reconvict on the disposition date of a case.

21 (C) A conviction will determine whether a person has reconvicted.

