

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8 (C) [Repealed.]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,
17 as 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 ~~ealeulate~~ classify the rate type
19 of recidivism based upon ~~offenders~~ persons who are ~~senteneed 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.~~

1 ~~(D) The arraignment date associated with the conviction will~~
2 determine the recidivism classification.

3 (b) Repeat violent offenders. The Department shall calculate the rate of
4 repeat violent offenders based upon individuals who are convicted of a
5 criminal offense and meet one of the following classifications:

6 (1) Class one repeat violence. Not less than one year has elapsed from
7 the time of sentencing before the person is convicted of a violent offense.

8 (2) Class two repeat violence. Not less than three years have elapsed
9 from the time of sentencing before the person is convicted of a violent offense.

10 (3) Class three repeat violence. Not less than five years have elapsed
11 from the time of sentencing before the person is convicted of a violent offense.

12 (4) Class four repeat violence. Not less than 10 years have elapsed from
13 the time of sentencing before the person is convicted of a violent offense.

14 Sec. 3. 28 V.S.A. § 125(b) is amended to read:

15 (b) Definitions. As used in this section:

16 * * *

17 (5) "Recidivism" has the same meaning as in ~~section 4~~ subdivision 3(11)
18 of this title.

19 Sec. 4. EFFECTIVE DATE

20 ~~This act shall take effect on July 1, 2025.~~

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 clock for calculating recidivism 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~~

* * *

(b) Definitions. As used in this section:

* * *

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

[Repealed.]

* * *

(c) Report.

* * *

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

(A) ~~recidivism rates;~~ [Repealed.]

* * *

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.