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H.436

Introduced by Representative Headrick of Burlington

Referred to Committee on

Date:

Subject: Corrections; release prior to trial; supervision of adult inmates and
offenders; classification of inmates and offenders; release after
incarceration; reentry facility

Statement of purpose of bill as introduced: This bill proposes to create a
statutory framework for the Department of Corrections to establish and use
reentry facilities designed to house persons with low-level risk and needs
assessments upon release from incarceration. The bill proposes that the
Department of Corrections assess and place appropriate persons in a reentry
facility to provide the least restrictive security level necessary to protect the
public while providing any transitional services needed by the person. The bill
also proposes that reentry facility placement be condition of release available
to the courts. The bill also proposes that the Department of Corrections submit
annual reports on the use of reentry facilities and a plan to develop any reentry
facilities.

19 An act relating to establishing reentry facilities for persons under the
20 custody of the Commissioner of Corrections

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

2 Sec. 1. FINDINGS AND PURPOSE

3 (a) Findings. The General Assembly finds that:

4 (1) Housing insecurity disproportionately impacts women in the
5 criminal justice system, resulting in inequitable detention outcomes.

6 (2) Women nearing the end of their criminal sentences or detained
7 pretrial lack consistent access to appropriate low-security settings, impeding
8 successful reentry and exacerbating equity concerns.

9 (3) Current practices, such as reward-based housing classifications,
10 create barriers to equitable access to low-security or reentry-focused facilities.

11 (4) The Chittenden Regional Correctional Facility was not designed to
12 meet the diverse security and reentry needs of incarcerated women.

13 (b) Purpose. The purpose of this act is to:

14 (1) ensure all incarcerated women are housed at the least restrictive
15 security level appropriate to their risk and needs;

16 (2) establish a statutory framework for reentry-specific facilities that
17 prioritize rehabilitation, equity, and community reintegration;

18 (3) address inequities in pretrial detention related to housing insecurity;
19 and

20 (4) minimize barriers to reentry by reforming incarceration classification
21 and housing policies.

1 Sec. 2. 28 V.S.A. § 3 is amended to read:

2 § 3. GENERAL DEFINITIONS

3 As used in this title:

4 * * *

5 (3) “Correctional facility” or “facility” means any building, enclosure,
6 space, or structure of or supported by the Department and used for the
7 confinement of persons committed to the custody of the Commissioner, or for
8 any other matter related to such confinement, except a reentry facility.

9 * * *

10 (13) “Least restrictive security level” means placing persons in the
11 custody of the Commissioner at a facility based on a validated risk assessment
12 that prioritizes public safety and individual needs while minimizing
13 unnecessary security restrictions.

14 (14) “Reentry facility” has the same meaning as described in section 602
15 of this title.

16 Sec. 3. 28 V.S.A. § 602 is added to read:

17 § 602. REENTRY FACILITIES

18 (a) Creation and design.

19 (1) The Department shall establish a reentry facility at any appropriate
20 location in the State to provide the least restrictive security level for persons

1 transitioning back into the community following release from a correctional
2 facility.

3 (2) Reentry facilities shall be designed to:

4 (A) serve offenders within five years after release from a correctional
5 facility;

6 (B) be accessible to inmates awaiting trial who do not pose a
7 significant risk of flight or public safety concerns in accordance with 13 V.S.A.
8 § 7554; and

9 (C) provide inmate and offender transitional services, including
10 family support, housing assistance, mental health care, career and vocational
11 training, and other necessities of life in accordance with 33 V.S.A. chapter 21.

12 (b) Assessment and placement. The placement of persons at a reentry
13 facility shall be based upon an evidence-based risk and needs assessment of
14 eligible persons under the custody of the Commissioner.

15 (1) Inmates committed to the custody of the Commissioner shall be
16 assessed for placement in a reentry facility pursuant to section 701b of this
17 title.

18 (2) Inmates placed in a correctional facility shall be reassessed every 90
19 days for placement in a reentry facility.

20 (3) Within 90 days before release from a correctional facility, the
21 Department shall assess any offender for placement in a reentry facility.

1 (c) Victim notification. The Department shall develop procedures to
2 ensure any alleged or known victims are informed when a person is placed in a
3 reentry facility. Notification procedures shall be established in collaboration
4 with the Department's victim services unit, the Department of State's
5 Attorneys and Sheriffs victim advocates, and any operator of the State's victim
6 notification system.

7 (d) Report. Annually, on or before July 1, the Department shall submit a
8 written report to the House Committee on Corrections and Institutions and the
9 Senate Committees on Institutions and on Judiciary detailing the following:

10 (1) security level assignments for persons under the custody of the
11 Commissioner, including all available demographic data;

12 (2) the numbers of inmates and offenders placed in any reentry facility
13 established pursuant to this section; and

14 (3) the transitional services provided to inmates and offenders pursuant
15 to subdivision (a)(2)(C) of this section.

16 Sec. 4. 28 V.S.A. § 701b is amended to read:

17 § 701b. CLASSIFICATION OF PERSONS OR DEFENDANTS

18 (a) When a defendant or person in a civil or criminal action is sentenced to
19 the custody of the Commissioner or committed to the Commissioner's custody
20 pending a prosecution on a ~~misdemeanor~~ criminal charge or for sentencing, the
21 Commissioner or the Commissioner's designee shall within five days of

1 sentencing or commitment, excluding weekends and holidays, classify the
2 person to determine whether ~~he or she~~ the person shall be incarcerated, held at
3 a community work camp, placed in a reentry facility, or furloughed. Failure to
4 classify within the five-day period shall not create a private right of action
5 against the State, its political subdivisions, or its employees.

6 (b) Notwithstanding 13 V.S.A. § 7554, the Commissioner may place on
7 furlough under provisions of section 808 of this title or in a reentry facility
8 pursuant to section 602 of this title, a misdemeanor defendant when the
9 Commissioner, based upon a completed classification, has determined that the
10 defendant is likely to appear in court as directed. If the Commissioner places
11 such a defendant on furlough or in a reentry facility, the Commissioner shall
12 impose not only the conditions of release initially ordered by the judicial
13 officer, but also such additional terms or conditions deemed necessary to
14 ensure that the defendant will appear in court. The Commissioner shall
15 supervise compliance with all such conditions imposed.

16 Sec. 5. 28 V.S.A. § 808 is amended to read:

17 § 808. TEMPORARY FURLOUGHS GRANTED TO OFFENDERS

18 (a) The Department may extend the limits of the place of confinement of an
19 offender at any correctional facility or reentry facility if the offender agrees to
20 comply with such conditions of supervision the Department, in its sole
21 discretion, deems appropriate for that offender's furlough. The Department

1 may authorize a temporary furlough for a defined period for any of the
2 following reasons:

- 3 (1) to visit a critically ill relative;
- 4 (2) to attend the funeral of a relative;
- 5 (3) to obtain medical services;
- 6 (4) to contact prospective employers; or
- 7 (5) to secure a suitable residence for use upon discharge.

8 (b) An offender granted a temporary furlough pursuant to this section may
9 be accompanied by an employee of the Department, in the discretion of the
10 Commissioner, during the period of the offender's furlough. The Department
11 may use electronic monitoring equipment such as global position monitoring,
12 automated voice recognition telephone equipment, and transdermal alcohol
13 monitoring equipment to enable more effective or efficient supervision of
14 individuals placed on furlough.

15 (c) The extension of the limits of the place of confinement authorized by
16 this section shall in no way be interpreted as a probation or parole of the
17 offender, but shall constitute solely a permitted extension of the limits of the
18 place of confinement for offenders committed to the custody of the
19 Commissioner.

20 (d) When any enforcement officer, as defined in 23 V.S.A. § 4; employee
21 of the Department; or correctional officer responsible for supervising an

1 offender believes the offender is in violation of any verbal or written condition
2 of the temporary furlough, the officer or employee may immediately lodge the
3 offender at a correctional or reentry facility or orally or in writing deputize any
4 law enforcement officer or agency to arrest and lodge the offender at ~~such~~ a
5 correctional or reentry facility. The officer or employee shall subsequently
6 document the reason for taking such action.

7 (e) The Commissioner may place on medical furlough any offender who is
8 serving a sentence, including an offender who has not yet served the minimum
9 term of the sentence, who is diagnosed with a terminal or serious medical
10 condition so as to render the offender unlikely to be physically capable of
11 presenting a danger to society. The Commissioner shall develop a policy
12 regarding the application for, standards for eligibility of, and supervision of
13 persons on medical furlough. The offender may be released to a reentry
14 facility, hospital, hospice, other licensed inpatient facility, or other housing
15 accommodation deemed suitable by the Commissioner. As used in this
16 subsection, a “serious medical condition” does not mean a condition caused by
17 noncompliance with a medical treatment plan.

18 (f) [Repealed.]

19 (g) Subsection (b) of this section shall also apply to ~~sections~~ section 808a
20 ~~and 808e~~ of this title.

1 Sec. 6. 28 V.S.A. § 808a is amended to read:

2 § 808a. TREATMENT FURLOUGH

3 (a) An offender may be sentenced to serve a term of imprisonment, but
4 placed by a court on treatment furlough to participate in such programs
5 administered by the Department at a reentry facility or in the community that
6 reduce the offender's risk to reoffend or that provide reparation to the
7 community in the form of supervised work activities.

8 (b) Provided the approval of the sentencing judge, if available, otherwise a
9 Superior Court judge, is first obtained, the Department may place on treatment
10 furlough an offender who has not yet served the minimum term of the
11 sentence, who, in the Department's determination, needs residential treatment
12 services not available in a correctional facility. The services may include
13 treatment for substance abuse or personal violence or any other condition that
14 the Department has determined should be addressed in order to reduce the
15 offender's risk to reoffend or cause harm to ~~himself or herself~~ themselves or to
16 others in the facility. The offender shall be released only to a reentry facility
17 established pursuant to section 602 of this title or a hospital or residential
18 treatment facility that provides services to the general population. The State's
19 share of the cost of placement in such a facility, net of any private or federal
20 participation, shall be paid pursuant to memoranda of agreement between and
21 within State agencies reflective of their shared responsibilities to maximize the

1 efficient and effective use of State resources. In the event that a memorandum
2 of agreement cannot be reached, the Secretary of Administration shall make a
3 final determination as to the manner in which costs will be allocated.

4 (c) [Repealed.]

5 Sec. 7. 13 V.S.A. § 7554 is amended to read:

6 § 7554. RELEASE PRIOR TO TRIAL

7 (a) Release; conditions of release. Any person charged with an offense,
8 other than a person held without bail under section 7553 or 7553a of this title,
9 shall at the person's appearance before a judicial officer be ordered released
10 pending trial in accordance with this section.

11 (1) The defendant shall be ordered released on personal recognizance or
12 upon the execution of an unsecured appearance bond in an amount specified by
13 the judicial officer unless the judicial officer determines that such a release will
14 not reasonably mitigate the risk of flight from prosecution as required. In
15 determining whether the defendant presents a risk of flight from prosecution,
16 the judicial officer shall consider, in addition to any other factors, the
17 seriousness of the offense charged; the number of offenses with which the
18 person is charged; whether, at the time of the current offense or arrest, the
19 defendant was released on conditions or personal recognizance, on probation,
20 furlough, parole, or other release pending trial, sentencing, appeal, or
21 completion of a sentence for an offense under federal or state law; and

1 whether, in connection with a criminal prosecution, the defendant is compliant
2 with court orders or has failed to appear at a court hearing. If the judicial
3 officer determines that the defendant presents a risk of flight from prosecution,
4 the officer shall, either in lieu of or in addition to the methods of release in this
5 section, impose the least restrictive of the following conditions or the least
6 restrictive combination of the following conditions that will reasonably
7 mitigate the risk of flight of the defendant as required:

8 * * *

9 (I) Place the defendant in the home detention program pursuant to
10 section 7554b of this title.

11 (J) Place the defendant in a reentry facility pursuant to 28 V.S.A.
12 § 602.

13 (2) If the judicial officer determines that conditions of release imposed
14 to mitigate the risk of flight will not reasonably protect the public, the judicial
15 officer may impose, in addition, the least restrictive of the following conditions
16 or the least restrictive combination of the following conditions that will
17 reasonably ensure protection of the public:

18 * * *

19 (H) Place the defendant in the home detention program pursuant to
20 section 7554b of this title.

1 (I) Place the defendant in a reentry facility pursuant to 28 V.S.A.

2 § 602.

3 * * *

4 Sec. 8. DEPARTMENT OF CORRECTIONS; REENTRY FACILITY;
5 DEVELOPMENT; REPORT

6 On or before January 15, 2026, the Department of Corrections shall submit
7 a written report to the House Committee on Corrections and Institutions and
8 the Senate Committees on Institutions and on Judiciary detailing the following:

9 (1) any plans to establish a reentry facility at a standalone location or at
10 an existing correctional facility;

11 (2) current or projected housing needs for inmates and offenders under
12 the custody of the Commissioner; and

13 (3) any current or prospective local, State, or federal partnerships to
14 facilitate and enhance the Department’s current and future reentry efforts.

15 Sec. 9. EFFECTIVE DATES

16 This act shall take effect on July 1, 2030, except that Sec. 8 (Department of
17 Corrections; reentry facility; development; report) shall take effect on passage.