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H.540

An act relating to the recommendations of the Post-Adjudication Reparative Program Working Group

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

Sec. 1. 13 V.S.A. § 7030 is amended to read:

§ 7030. SENTENCING ALTERNATIVES

(a) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime; the history and character of the defendant; the defendant's family circumstances and relationships; the impact of any sentence upon the defendant's minor children; the need for treatment; any noncompliance with court orders or failures to appear in connection with a criminal prosecution; and the risk to self, others, and the community at large presented by the defendant:

(1) A deferred sentence pursuant to section 7041 of this title.

(2) Referral to a community reparative ~~board~~ program pursuant to 28 V.S.A. chapter 12 ~~in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this subdivision does not require the court to place the offender on probation. The offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative~~

1 ~~board program to the satisfaction of the board in a time deemed reasonable by~~
2 ~~the board.~~

3 * * *

4 Sec. 2. 28 V.S.A. § 910 is amended to read:

5 § 910. RESTORATIVE JUSTICE PROGRAM

6 This chapter establishes a program of restorative justice for use with
7 offenders required to participate in such a program as a sentence or a condition
8 of a sentence of probation ~~or as ordered for civil contempt of a child support~~
9 ~~order under 15 V.S.A. § 603.~~ The Program shall be carried out by community
10 reparative boards under the supervision of the Commissioner, as provided by
11 this chapter.

12 Sec. 3. 28 V.S.A. § 913 is added to read:

13 § 913. RESTORATIVE JUSTICE PROGRAM REFERRAL

14 (a) The court may require participation in the Restorative Justice Program
15 in the case of an offender who has pled guilty to a nonviolent felony, a
16 nonviolent misdemeanor, or a misdemeanor that does not involve the subject
17 areas prohibited for referral to a community justice center under 24 V.S.A.
18 § 1967.

19 (b) Referral to the Restorative Justice Program pursuant to this section shall
20 not require the court to place the offender on probation. In sentences where the
21 referral is not a condition of probation, the offender shall return to court for

1 further sentencing if the reparative board does not accept the case or if the
2 offender fails to complete the reparative board program to the satisfaction of
3 the board in a time deemed reasonable by the board.

4 (c) The court may require participation in the Restorative Justice Program
5 as a condition of probation under subdivision 252(b)(15) of this title.

6 (d) In determining whether to order an offender to participate in the
7 Restorative Justice Program, the court shall consider any relevant factors,
8 including:

9 (1) whether there is an agreement between the parties for the referral;

10 (2) the views of any victim of the offense;

11 (3) the impact of the offense on the community;

12 (4) the offender's willingness to participate in the program;

13 (5) the offender's capacity to meaningfully participate in the program;

14 and

15 (6) whether there are any orders of protection in effect, or previously in
16 effect, between the offender and any victim.

17 (e) The Court Administrator shall create standardized forms for the referral
18 of offenders to the Restorative Justice Program to be used in all courts of the
19 State.

20 (f) The Supreme Court may adopt procedural rules to effectuate this
21 section.

1 Sec. 4. EFFECTIVE DATE

2 This act shall take effect on July 1, 2026.