

1 H.559

2 Introduced by Representative Emmons of Springfield

3 Referred to Committee on

4 Date:

5 Subject: Corrections; Parole Board

6 Statement of purpose of bill as introduced: This bill proposes to require
7 training for members of the Parole Board; change the number of members of
8 the Parole Board from five regular members and two alternate members to
9 seven regular members; to amend the knowledge and experience background
10 required for members of the Parole Board; and amend the responsibilities of
11 the Director of the Parole Board.

12 An act relating to the Parole Board

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

14 ~~Ch. 1. 28 V.S.A. § 403 is amended to read.~~

15 § 403. POWERS AND RESPONSIBILITIES OF THE COMMISSIONER

16 REGARDING PAROLE

17 The Commissioner is charged with the following powers and
18 responsibilities regarding the administration of parole:

19

1 ~~(6) To provide regular training for the Parole Board, at least annually, in~~
2 collaboration with the Parole Board Director, on topics related to making
3 determinations of parole, criminogenic behavior, mental health disorders,
4 substance use treatment, trauma-informed work with victims of crime, and
5 serious crime rehabilitation.

6 Sec. 2. 28 V.S.A. § 451 is amended to read:

7 § 451. CREATION OF BOARD

8 (a) A Parole Board of ~~five~~ seven members is created. The Governor, with
9 the advice and consent of the Senate, shall appoint ~~five regular~~ members and
10 ~~two alternates~~ for terms of three years in such a manner that not more than
11 three terms shall expire annually. Initial terms may be less than three years.

12 No member shall serve more than two consecutive terms. Each member and

13 ~~alternate~~ shall hold office until a successor is appointed and qualified. The

14 Governor shall designate the Board's chair. As far as practicable, the

15 Governor shall appoint as members persons who have knowledge of and

16 experience in ~~correctional treatment, crime prevention, or human relations~~

17 criminogenic behavior, mental health treatment, substance use disorder, or

18 serious crime rehabilitation, and shall give consideration, as far as practicable,

19 to geographic representation of the State. The Board shall select one of its

20 members to serve as Vice Chair of the Board. If the Chair resigns or is

21 ~~otherwise permanently unable to serve on the Board, the Vice Chair shall serve~~

1 ~~as interim chair until the Governor designates a new chair pursuant to this~~
2 section. ~~The Chair or the executive director may assign alternates to serve on~~
3 ~~the Board in the absence of a regular member and such alternates shall have all~~
4 ~~the powers and authority of a regular member when so assigned.~~

5 (b) Three members of the Board shall constitute a quorum for the conduct
6 of a meeting. Notwithstanding 1 V.S.A. § 172, the concurrence of a majority
7 of members present at a Parole Board meeting shall be necessary and sufficient
8 for Board action.

9 (c) The Chair of the Parole Board shall be entitled to compensation in the
10 amount of \$20,500.00 annually, effective on the first pay period in fiscal year
11 2006, which shall be in lieu of any per diem otherwise authorized by law. If
12 the Vice Chair assumes the duties of the Chair for a period in excess of 30
13 consecutive days, the compensation otherwise payable to the Chair during his
14 or her the Chair's absence shall be paid to the Vice Chair.

15 (d) At least annually, each member of the Parole Board shall attend
16 trainings designated by the Parole Board Director.

17 Sec. 3. 28 V.S.A. § 455 is amended to read:

18 § 455. DIRECTOR

19 (a) The position of Parole Board Director is created. The Director shall be
20 ~~appointed by the Governor after consultation with the Board.~~

1 ~~(b) The Director shall serve for a term of four years commencing on March~~
2 ~~1 and continuing until his or her a successor is appointed.~~

3 (c) The Director shall be exempt from classified State service.

4 (d) The Secretary of Human Services, in consultation with the Parole
5 Board and the Department of Human Resources, shall establish the minimum
6 and preferred qualifications, duties, and compensation of the Director.

7 (e) The Director shall be responsible for the overall function of the Parole
8 Board, ensuring legal compliance, developing and implementing all policies
9 and procedures of the Board, and developing and providing training to the
10 Board, in collaboration with the Commissioner.

11 Sec. 4. EFFECTIVE DATE

12 ~~This act shall take effect on July 1, 2026.~~

Sec. 1. 28 V.S.A. § 403 is amended to read:

§ 403. POWERS AND RESPONSIBILITIES OF THE COMMISSIONER

REGARDING PAROLE

*The Commissioner is charged with the following powers and responsibilities
regarding the administration of parole:*

** * **

(6) To provide regular training for the Parole Board, at least annually,
in collaboration with the Parole Board Director and the Chair of the Parole
Board, on topics related to criminogenic behavior, mental health disorders,

~~substance use treatment, trauma informed work with victims of crime, and serious crime rehabilitation.~~

Sec. 2. 28 V.S.A. § 451 is amended to read:

§ 451. CREATION OF BOARD

(a)(1) A Parole Board of ~~five~~ seven members is created. The Governor, with the advice and consent of the Senate, shall appoint ~~five regular~~ members ~~and two alternates~~ for terms of three years in such a manner that not more than three terms shall expire annually. Initial terms may be less than three years. Each member ~~and alternate~~ shall hold office until a successor is appointed and qualified. The Governor shall designate the Board's chair.

(2) Upon notification of a vacancy, the Governor shall consult with the Parole Board Director and the Chair of the Parole Board. As far as practicable, the Governor shall appoint as members persons who have knowledge of and experience in ~~correctional treatment, crime prevention, or human relations~~ criminogenic behavior, mental health treatment, substance use disorder, or serious crime rehabilitation, and shall give consideration, as far as practicable, to geographic representation of the State and a balance of different knowledge and experience.

(3) The Board shall select one of its members to serve as Vice Chair of the Board. If the Chair resigns or is otherwise permanently unable to serve on the Board, the Vice Chair shall serve as interim chair until the Governor

~~designates a new chair pursuant to this section. The Chair or the executive director may assign alternates to serve on the Board in the absence of a regular member and such alternates shall have all the powers and authority of a regular member when so assigned.~~

~~(b) Three members of the Board shall constitute a quorum for the conduct of a meeting. Notwithstanding 1 V.S.A. § 172, the concurrence of a majority of members present at a Parole Board meeting shall be necessary and sufficient for Board action.~~

~~(c) The Chair of the Parole Board shall be entitled to compensation in the amount of \$20,500.00 annually, effective on the first pay period in fiscal year 2006, which shall be in lieu of any per diem otherwise authorized by law. If the Vice Chair assumes the duties of the Chair for a period in excess of 30 consecutive days, the compensation otherwise payable to the Chair during his or her the Chair's absence shall be paid to the Vice Chair.~~

~~(d) At least annually, each member of the Parole Board shall attend trainings designated by the Parole Board Director in collaboration with the Chair of the Parole Board.~~

~~Sec. 3. 28 V.S.A. § 455 is amended to read:~~

~~§ 455. DIRECTOR~~

~~(a) The position of Parole Board Director is created. The Director shall be appointed by the Governor after consultation with the Board.~~

~~(b) The Director shall serve for a term of four years commencing on March 1 and continuing until his or her a successor is appointed.~~

~~(c) The Director shall be exempt from classified State service.~~

~~(d) The Secretary of Human Services, in consultation with the Parole Board and the Department of Human Resources, shall establish the minimum and preferred qualifications, duties, and compensation of the Director.~~

~~(e) The Director shall be responsible for the overall function of the Parole Board, ensuring legal compliance, developing and implementing all policies and procedures of the Board, and developing and providing training to the Board, in collaboration with the Commissioner and the Chair of the Parole Board.~~

~~Sec. 4. PAROLE BOARD LEGAL COUNSEL PILOT PROJECT~~

~~(a) There is created the Parole Board Legal Counsel Pilot Project to provide external legal support for:~~

~~(1) annual training to the Board, including on topics related to due process and parole violations; and~~

~~(2) legal advice to the Board as needed related to Board hearings.~~

~~(b) The Office of the Attorney General shall coordinate with the Board and the Agency of Human Services to identify and contract with external legal support.~~

~~(c) As part of the fiscal year 2028 budget development process, the Agency of Human Services and the Department of Corrections shall coordinate with the Parole Board Director to evaluate the pilot project and determine resources needed for Board external legal support for fiscal year 2028.~~

~~(d) On or before November 15, 2026, the Parole Board Director shall submit a written report to the House Committee on Corrections and Institutions detailing the operation of the pilot project. The report shall include a recommendation regarding legal support for the Board going forward and the resources needed.~~

Sec. 5. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2026

CARRYFORWARD

~~The \$25,000.00 General Fund appropriated to the Department of Corrections for third-party legal services in 2025 Acts and Resolves No. 27, Sec. B.336 shall carry forward into fiscal year 2027 for the purpose of hiring external legal counsel pursuant to Sec. 4 of this act.~~

Sec. 6. APPROPRIATION

~~The sum of \$50,000.00 is appropriated from the General Fund to the Department of Corrections in fiscal year 2027 for the purpose of hiring external legal counsel pursuant to Sec. 4 of this act.~~

Sec. 7. PAROLE BOARD BUDGET SUBMISSION IN FISCAL YEAR

~~2026 AND FISCAL YEAR 2029~~

~~(a) As part of the fiscal year 2028 and fiscal year 2029 budget development processes, the Parole Board Director shall submit a proposed budget to the Commissioner of the Department of Corrections and Secretary of the Agency of Human Services.~~

~~(b) On or before December 15, 2027, the Parole Board Director shall submit a written report to the House Committee on Corrections and Institutions detailing the budget development process. The report shall include a recommendation regarding the Parole Board submitting an annual budget to the Commissioner of the Department of Corrections.~~

Sec. 8. EFFECTIVE DATE

~~*This act shall take effect on July 1, 2026.*~~

Sec. 1. 28 V.S.A. § 403 is amended to read:

*§ 403. POWERS AND RESPONSIBILITIES OF THE COMMISSIONER
REGARDING PAROLE*

The Commissioner is charged with the following powers and responsibilities regarding the administration of parole:

** * **

(6) To provide regular training for the Parole Board, at least annually, in collaboration with the Parole Board Director and the Chair of the Parole Board, on topics related to criminogenic behavior, mental health disorders,

substance use treatment, trauma-informed work with victims of crime, and serious crime rehabilitation.

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(2) Upon notification of a vacancy, the Governor shall consult with the Parole Board Director and the Chair of the Parole Board. As far as practicable, the Governor shall appoint as members persons who have knowledge of and experience in ~~correctional treatment, crime prevention, or human relations~~ criminogenic behavior, mental health treatment, substance use disorder, or serious crime rehabilitation, and shall give consideration, as far as practicable, to geographic representation of the State and a balance of different knowledge and experience.

(3) The Board shall select one of its members to serve as Vice Chair of the Board. If the Chair resigns or is otherwise permanently unable to serve on the Board, the Vice Chair shall serve as interim chair until the Governor

~~designates a new chair pursuant to this section. The Chair or the executive director may assign alternates to serve on the Board in the absence of a regular member and such alternates shall have all the powers and authority of a regular member when so assigned.~~

(b) Three members of the Board shall constitute a quorum for the conduct of a meeting. Notwithstanding 1 V.S.A. § 172, the concurrence of a majority of members present at a Parole Board meeting shall be necessary and sufficient for Board action.

(c) The Chair of the Parole Board shall be entitled to compensation in the amount of \$20,500.00 annually, effective on the first pay period in fiscal year 2006, which shall be in lieu of any per diem otherwise authorized by law. If the Vice Chair assumes the duties of the Chair for a period in excess of 30 consecutive days, the compensation otherwise payable to the Chair during ~~his or her~~ the Chair's absence shall be paid to the Vice Chair.

(d) At least annually, each member of the Parole Board shall attend trainings designated by the Parole Board Director in collaboration with the Chair of the Parole Board.

Sec. 3. 28 V.S.A. § 455 is amended to read:

§ 455. DIRECTOR

(a) The position of Parole Board Director is created. The Director shall be appointed by the Governor after consultation with the Board.

(b) The Director shall serve for a term of four years commencing on March 1 and continuing until ~~his or her~~ a successor is appointed.

(c) The Director shall be exempt from classified State service.

(d) The Secretary of Human Services, in consultation with the Parole Board and the Department of Human Resources, shall establish the minimum and preferred qualifications, duties, and compensation of the Director.

(e) The Director shall be responsible for the overall function of the Parole Board, ensuring legal compliance, developing and implementing all policies and procedures of the Board, and ensuring training is developed and provided to the Board, in collaboration with the Commissioner and the Chair of the Parole Board.

Sec. 4. PAROLE BOARD LEGAL COUNSEL PILOT PROJECT

(a) There is created the Parole Board Legal Counsel Pilot Project to provide external legal support for:

(1) annual training to the Board, including on topics related to due process and parole violations; and

(2) legal advice to the Board as needed related to Board hearings.

(b) The Board and the Agency of Human Services shall identify and contract with external legal support in coordination with the Office of the Attorney General.

(c) As part of the fiscal year 2028 budget development process, the Agency of Human Services and the Department of Corrections shall coordinate with the Parole Board Director to evaluate the pilot project and determine resources needed for Board external legal support for fiscal year 2028.

(d) On or before November 15, 2026, the Parole Board Director shall submit a written report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions detailing the operation of the pilot project. The report shall include a recommendation regarding legal support for the Board going forward and the resources needed.

Sec. 5. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2026

CARRYFORWARD

Notwithstanding 2026 Acts and Resolves No. 74, Sec. 89 or any other provision of law to the contrary, the \$25,000.00 General Fund appropriated to the Department of Corrections for third-party legal services in 2025 Acts and Resolves No. 27, Sec. B.336 shall carry forward into fiscal year 2027 for the purpose of hiring external legal counsel pursuant to Sec. 4 of this act and shall not be subject to the approval of the Secretary of Administration or designated for any other purpose.

Sec. 6. APPROPRIATION

The sum of \$50,000.00 is appropriated from the General Fund to the Department of Corrections in fiscal year 2027 for the purpose of hiring external legal counsel pursuant to Sec. 4 of this act.

*Sec. 7. PAROLE BOARD BUDGET SUBMISSION IN FISCAL YEAR
2028 AND FISCAL YEAR 2029*

(a) As part of the fiscal year 2028 and fiscal year 2029 budget development processes, the Parole Board Director shall submit a proposed budget to the Commissioner of Corrections and Secretary of Human Services.

(b) On or before December 1, 2027, the Parole Board Director shall submit a written report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions detailing the budget development process. The report shall include a recommendation regarding the Parole Board submitting an annual budget to the Commissioner of Corrections.

Sec. 8. 13 V.S.A. § 5305 is amended to read:

§ 5305. INFORMATION CONCERNING RELEASE FROM CUSTODY

** * **

(c) ~~If requested by a victim of a listed crime, the~~ The Department of Corrections shall:

~~(1) at least 30 days before a parole board hearing concerning the defendant, inform the victim of the hearing and of the victim's right to testify~~

~~before the parole board or to submit a written statement for the parole board to consider; and~~

~~(2) promptly inform the victim of the decision of the parole board, including providing to the victim any conditions attached to the defendant's release on parole~~ notify victims of a listed crime as to parole board hearings concerning defendants and parole board decisions as provided in 28 V.S.A. §§ 502a and 507.

Sec. 9. 28 V.S.A. § 502a is amended to read:

§ 502a. *RELEASE ON PAROLE*

* * *

(e)(1) The Department shall identify each inmate meeting the presumptive parole eligibility criteria in section 501a of this title and refer each eligible inmate who does not meet the risk criteria set forth in subdivision (2) of this subsection to the Parole Board for an administrative review at least 60 days prior to the inmate's eligibility date.

(2) The Department shall screen each inmate it identifies as eligible for presumptive parole for the risk criteria set forth in this subdivision. If the Department determines that, based on clear and convincing evidence, there is a reasonable probability that the inmate's release would result in a detriment to the community, or that the inmate is not willing and capable of fulfilling the obligations of parole, the Department shall, at least 60 days prior to the

inmate's eligibility date, refer the inmate to the Parole Board for a parole hearing.

(3)(A) Within 30 days in advance of the inmate's eligibility date, the Parole Board shall conduct an administrative review of each inmate the Department identifies as eligible for presumptive release who does not meet the risk criteria set forth in subdivision (2) of this subsection. The Board may deny presumptive release and set a hearing if it determines, through its administrative review, that a victim or victims should have the opportunity to participate in a parole hearing. If the Board determines there is a victim or victims who should be notified, the Department shall notify the victim or victims, and the Board shall provide them with the opportunity to participate in a parole hearing. A victim may waive any notification.

(B) The Parole Board shall conduct a parole hearing pursuant to section 502 of this title for each eligible inmate that the Department determines meets the risk criteria in subdivision (2) of this subsection.

Sec. 10. 28 V.S.A. § 507 is amended to read:

§ 507. NOTIFICATION TO VICTIM AND OPPORTUNITY TO TESTIFY

(a) The Department of Corrections shall, unless waived by the victim:

(1) At at least 30 days prior to a parole eligibility hearing concerning the defendant, notify the victim of a listed crime as defined in 13 V.S.A. § 5301(7), shall be notified as to the time and location of the hearing and as to

the victim's right to testify before the Parole Board or to submit a written statement for the Parole Board to consider; and

(2) promptly inform the victim of the decision of the Parole Board, including providing to the victim any conditions attached to the defendant's release on parole. Such notification may be waived by the victim in writing.

* * *

Sec. 11. EFFECTIVE DATE

This act shall take effect on July 1, 2026.