

1 H.559

2 An act relating to the Parole Board

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

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

5 § 403. POWERS AND RESPONSIBILITIES OF THE COMMISSIONER  
6 REGARDING PAROLE

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

9 \* \* \*

10 (6) To provide regular training for the Parole Board, at least annually, in  
11 collaboration with the Parole Board Director and the Chair of the Parole Board,  
12 on topics related to criminogenic behavior, mental health disorders, substance  
13 use treatment, trauma-informed work with victims of crime, and serious crime  
14 rehabilitation.

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

16 § 451. CREATION OF BOARD

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

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

9           (3) The Board shall select one of its members to serve as Vice Chair of  
10          the Board. If the Chair resigns or is otherwise permanently unable to serve on  
11          the Board, the Vice Chair shall serve as interim chair until the Governor  
12          designates a new chair pursuant to this section. ~~The Chair or the executive~~  
13          ~~director may assign alternates to serve on the Board in the absence of a regular~~  
14          ~~member and such alternates shall have all the powers and authority of a regular~~  
15          ~~member when so assigned.~~

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

20          (c) The Chair of the Parole Board shall be entitled to compensation in the  
21          amount of \$20,500.00 annually, effective on the first pay period in fiscal year

1 2006, which shall be in lieu of any per diem otherwise authorized by law. If  
2 the Vice Chair assumes the duties of the Chair for a period in excess of 30  
3 consecutive days, the compensation otherwise payable to the Chair during ~~his~~  
4 ~~or her~~ the Chair's absence shall be paid to the Vice Chair.

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

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

9 § 455. DIRECTOR

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

12 (b) The Director shall serve for a term of four years commencing on March  
13 1 and continuing until ~~his or her~~ a successor is appointed.

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

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

18 (e) The Director shall be responsible for the overall function of the Parole  
19 Board, ensuring legal compliance, developing and implementing all policies  
20 and procedures of the Board, and ensuring training is developed and provided

1 to the Board, in collaboration with the Commissioner and the Chair of the  
2 Parole Board.

3 Sec. 4. PAROLE BOARD LEGAL COUNSEL PILOT PROJECT

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

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

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

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

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

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

1       Sec. 5. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2026

2                   CARRYFORWARD

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

10       Sec. 6. APPROPRIATION

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

14       Sec. 7. PAROLE BOARD BUDGET SUBMISSION IN FISCAL YEAR  
15                   2028 AND FISCAL YEAR 2029

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

19           (b) On or before December 1, 2027, the Parole Board Director shall submit  
20       a written report to the House Committee on Corrections and Institutions and  
21       the Senate Committee on Institutions detailing the budget development

1 process. The report shall include a recommendation regarding the Parole  
2 Board submitting an annual budget to the Commissioner of Corrections.

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

4 § 5305. INFORMATION CONCERNING RELEASE FROM CUSTODY

5 \* \* \*

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

8 ~~(1) at least 30 days before a parole board hearing concerning the~~  
9 ~~defendant, inform the victim of the hearing and of the victim's right to testify~~  
10 ~~before the parole board or to submit a written statement for the parole board to~~  
11 ~~consider; and~~

12 ~~(2) promptly inform the victim of the decision of the parole board,~~  
13 ~~including providing to the victim any conditions attached to the defendant's~~  
14 ~~release on parole~~ notify victims of a listed crime as to parole board hearings  
15 concerning defendants and parole board decisions as provided in 28 V.S.A.  
16  §§ 502a and 507.

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

18 § 502a. RELEASE ON PAROLE

19 \* \* \*

20 (e)(1) The Department shall identify each inmate meeting the presumptive  
21 parole eligibility criteria in section 501a of this title and refer each eligible

1 inmate who does not meet the risk criteria set forth in subdivision (2) of this  
2 subsection to the Parole Board for an administrative review at least 60 days  
3 prior to the inmate's eligibility date.

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

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

