

H.635

Introduced by Representative Headrick of Burlington

Referred to Committee on

Date:

Subject: Public institutions and corrections; administration of the Department;

Department of Corrections; supervisory fees; probation; furlough;

supervised community sentence; parole

Statement of purpose of bill as introduced: This bill proposes to eliminate

supervisory fees imposed by the Department of Corrections.

An act relating to eliminating Department of Corrections supervisory fees

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

Sec. 1. 28 V.S.A. § 102 is amended to read:

§ 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;

POWERS; RESPONSIBILITIES

* * *

(b) The Commissioner is charged with the following powers:

* * *

(12) To enter into contracts with private collection agencies for the collection of ~~supervisory fees imposed by this title and~~ fines, penalties, and restitution imposed under Title 13. The Commissioner may agree to pay

1 collection agencies a fixed rate for services rendered or a percentage of the
2 amount collected that shall be added to any amounts and may be recovered as
3 an administrative cost of collection. Any such fixed rate or percentage may be
4 deducted directly by the collection agency on a pro rata basis from any portion
5 of the money so collected.

6 * * *

7 (c) The Commissioner is charged with the following responsibilities:

8 * * *

9 (14) ~~To collect a fee up to the amount of \$30.00 per month as a~~
10 ~~supervisory fee from each person under the supervision of the Department who~~
11 ~~is on probation, furlough, pre-approved furlough, supervised community~~
12 ~~sentence, or parole. Supervisory fees collected by the Department shall be~~
13 ~~credited to a special supervision and victim restitution fund, established and~~
14 ~~managed pursuant to 32 V.S.A. chapter 7, subchapter 5, for this purpose. The~~
15 ~~Commissioner shall adopt rules governing the collection of supervisory fees,~~
16 ~~including the maximum period of time offenders are subject to supervision fees~~
17 ~~and the offender's ability to pay such fees. [Repealed.]~~

18 * * *

1 Sec. 2. SUPERVISORY FEES; DEPARTMENT OF CORRECTIONS

2 (a) The Department of Corrections shall not assess, bill, or collect any
3 supervisory fee or employ any collection agency or other entity to assess, bill,
4 or collect any supervisory fee.

5 (b) The Department of Corrections shall forgive all outstanding supervisory
6 fees and eliminate all references to outstanding supervisory fees in its records
7 and on its web-based portal for supervisory fee payments.

8 (c) The Department of Corrections shall cease all efforts to collect any
9 outstanding supervisory fees, including through wage garnishment or tax setoff
10 debt collection, and shall coordinate with any agency made party to
11 supervisory fee collection to cease collection.

12 (d) Notwithstanding any law to the contrary, failure to pay a supervisory
13 fee shall not constitute a violation of probation, parole, furlough, or any other
14 sentence.

15 Sec. 3. RULES; REVIEW; DEPARTMENT OF CORRECTIONS

16 (a) The Department of Corrections shall identify each rule adopted by the
17 Department under the statutory authority of 28 V.S.A. § 102(c)(14). For each,
18 the Commissioner of Corrections shall notify the Secretary of State of its
19 repeal by operation of law pursuant to 3 V.S.A. § 848(a).

1 (b) The Department of Corrections shall review its rules, policies, and
2 procedures to identify and remove any references to “supervisory fees” or
3 “supervision fees” imposed pursuant to 28 V.S.A. § 102(c)(14).

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on passage.