

1 H.741

2 Introduced by Representatives Oliver of Sheldon and LaLonde of South

3 Burlington

4 Referred to Committee on

5 Date:

6 Subject: Criminal procedures; failure to appear in court; arrest warrant

7 Statement of purpose of bill as introduced: This bill proposes to require the
8 court to issue an arrest warrant rather than a citation to appear when a criminal
9 defendant is released on conditions and subsequently fails to attend a
10 scheduled court hearing for the offense, or when a person fails to appear in
11 court after being issued a citation to appear by a law enforcement officer.

12 An act relating to requiring the court to issue an arrest warrant when a
13 criminal defendant fails to appear in court

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

15 Sec. 1. 13 V.S.A. § 7559 is amended to read:

16 § 7559. VIOLATIONS OF CONDITIONS OF RELEASE; FAILURE TO
17 APPEAR; WARRANTLESS ARREST

18 * * *

19 (c)(1) A person who has been released pursuant to section 7554 of this title
20 with or without bail on condition that the person appear at a specified time and

1 place in connection with a prosecution for an offense and who without just
2 cause fails to appear shall be imprisoned not more than two years or fined not
3 more than \$5,000.00, or both.

4 (2) The court shall issue an arrest warrant for a person who without just
5 cause fails to appear after being released pursuant to section 7554 of this title
6 with or without bail on condition that the person appear at a specified time and
7 place in connection with a prosecution for an offense. An arrest warrant issued
8 pursuant to this subdivision shall require the person to appear before a judicial
9 officer at the earliest possible time and shall not permit issuance of a citation to
10 appear.

11 (d) Notwithstanding Rule 3 of the Vermont Rules of Criminal Procedure, a
12 law enforcement officer may arrest a person without a warrant when the officer
13 has probable cause to believe the person without just cause has failed to appear
14 at a specified time and place in connection with a prosecution for an offense or
15 has violated a condition of release relating to a restriction on travel or a
16 condition of release that the person not directly contact, harass, or cause to be
17 harassed a victim or potential witness.

18 * * *

19 (g) Notwithstanding Rule 3 of the Vermont Rules of Criminal Procedure,
20 the court shall issue an arrest warrant for a person who without just cause fails
21 to appear after a law enforcement officer has issued a citation to appear at a

1 specified time and place in connection with a prosecution for an offense. An
2 arrest warrant issued pursuant to this subsection shall require the person to
3 appear before a judicial officer at the earliest possible time and shall not permit
4 issuance of a citation to appear.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.