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H.744

Introduced by Representative LaLonde of South Burlington

Referred to Committee on

Date:

Subject: Criminal procedures; arrest without warrant

Statement of purpose of bill as introduced: This bill proposes to permit courts to require that a law enforcement officer's affidavit in support of a warrantless arrest include the charge that the prosecuting attorney intends to file and any bail or conditions of release that the prosecuting attorney is requesting.

~~An act relating to procedures for arrest without a warrant~~
An act relating to procedures for release after arrest

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

~~Sec. 1. Rule 3 of the Vermont Rules of Criminal Procedure is amended to~~
read:

Rule 3. Arrest Without Warrant; Citation to Appear

* * *

(k) Temporary Release. A law enforcement officer arresting a person shall contact a judicial officer for determination of temporary release pursuant to Rule 5(b) of these rules without unnecessary delay. The law enforcement officer shall provide the judicial officer with an affidavit or sworn statement as

1 ~~required by Rule 4(a) of these rules, and information upon which the~~
2 ~~determination as to temporary release may be made. The affidavit or sworn~~
3 ~~statement must indicate the crimes to be charged by the arresting officer. The~~
4 ~~procedures and standards established by the Presiding Judge of each unit~~
5 ~~pursuant to Rule 5(b) may require that the affidavit or sworn statement include~~
6 ~~the charge or charges that the prosecuting attorney intends to file and may~~
7 ~~require that the affidavit also include any conditions of release, including bail~~
8 ~~or an order to hold without bail, that the prosecuting attorney is requesting.~~

9 Sec. 2. EFFECTIVE DATE

10 ~~This act shall take effect on passage.~~

Sec. 1. Rule 3 of the Vermont Rules of Criminal Procedure is amended to read:

Rule 3. Arrest Without Warrant; Citation to Appear

** * **

(k) Temporary Release. A law enforcement officer arresting a person shall contact a judicial officer for determination of temporary release pursuant to Rule 5(b) of these rules without unnecessary delay. The law enforcement officer shall provide the judicial officer with an affidavit or sworn statement as required by Rule 4(a) of these rules, and information upon which the determination as to temporary release may be made. The affidavit or sworn statement must indicate the crimes to be charged by the arresting officer. The

procedures and standards established by the Presiding Judge of each unit pursuant to Rule 5(b) may require that the affidavit or sworn statement include the charge or charges that the prosecuting attorney intends to file and may require that the affidavit also include any conditions of release, including bail or an order to hold without bail, that the prosecuting attorney is requesting.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 2, 2026.