

1 H.744

2 An act relating to procedures for release after arrest

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

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

6 Rule 3. Arrest Without Warrant; Citation to Appear

7 \* \* \*

8 (k) Temporary Release. A law enforcement officer arresting a person shall  
9 contact a judicial officer for determination of temporary release pursuant to  
10 Rule 5(b) of these rules without unnecessary delay. The law enforcement  
11 officer shall provide the judicial officer with an affidavit or sworn statement as  
12 required by Rule 4(a) of these rules, and information upon which the  
13 determination as to temporary release may be made. ~~The affidavit or sworn~~  
14 ~~statement must indicate the crimes to be charged by the arresting officer. The~~  
15 procedures and standards established by the Presiding Judge of each unit  
16 pursuant to Rule 5(b) may require that the affidavit or sworn statement include  
17 the charge or charges that the prosecuting attorney intends to file and may  
18 require that the affidavit also include any conditions of release, including bail  
19 or an order to hold without bail, that the prosecuting attorney is requesting.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 2, 2026.