

1 S.180

2 Introduced by Senator Hashim

3 Referred to Committee on

4 Date:

5 Subject: Crimes; sentencing; corrections; community reparative boards

6 Statement of purpose of bill as introduced: This bill proposes to adopt the  
7 recommendations from the final report of the Post-Adjudication Reparative  
8 Program Working Group.

9 An act relating to the recommendations of the Post-Adjudication Reparative  
10 Program Working Group

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

12 Sec. 1. 13 V.S.A. § 7030 is amended to read:

13 § 7030. SENTENCING ALTERNATIVES

14 (a) In determining which of the following should be ordered, the court shall  
15 consider the nature and circumstances of the crime; the history and character of  
16 the defendant; the defendant's family circumstances and relationships; the  
17 impact of any sentence upon the defendant's minor children; the need for  
18 treatment; any noncompliance with court orders or failures to appear in  
19 connection with a criminal prosecution; and the risk to self, others, and the  
20 community at large presented by the defendant:

1 (1) A deferred sentence pursuant to section 7041 of this title.

2 (2) Referral to a community reparative ~~board~~ program pursuant to 28  
3 V.S.A. chapter 12 ~~in the case of an offender who has pled guilty to a~~  
4 ~~nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not~~  
5 ~~involve the subject areas prohibited for referral to a community justice center~~  
6 ~~under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to~~  
7 ~~this subdivision does not require the court to place the offender on probation.~~  
8 ~~The offender shall return to court for further sentencing if the reparative board~~  
9 ~~does not accept the case or if the offender fails to complete the reparative~~  
10 ~~board program to the satisfaction of the board in a time deemed reasonable by~~  
11 ~~the board.~~

12 \* \* \*

13 Sec. 2. 28 V.S.A. § 910 is amended to read:

14 § 910. RESTORATIVE JUSTICE PROGRAM

15 This chapter establishes a program of restorative justice for use with  
16 offenders required to participate in such a program as a sentence or a condition  
17 ~~of a sentence of probation or as ordered for civil contempt of a child support~~  
18 ~~order under 15 V.S.A. § 603.~~ The Program shall be carried out by community  
19 reparative boards under the supervision of the Commissioner, as provided by  
20 this chapter.

1      Sec. 3. 28 V.S.A. § 913 is added to read:

2      § 913. RESTORATIVE JUSTICE PROGRAM REFERRAL

3          (a) The court may require participation in the Restorative Justice Program  
4          in the case of an offender who has pled guilty to a nonviolent felony, a  
5          nonviolent misdemeanor, or a misdemeanor that does not involve the subject  
6          areas prohibited for referral to a community justice center under 24 V.S.A.  
7          § 1967.

8          (b) Referral to the Restorative Justice Program pursuant to this section shall  
9          not require the court to place the offender on probation. In sentences where the  
10          referral is not a condition of probation, the offender shall return to court for  
11          further sentencing if the reparative board does not accept the case or if the  
12          offender fails to complete the reparative board program to the satisfaction of  
13          the board in a time deemed reasonable by the board.

14          (c) The court may require participation in the Restorative Justice Program  
15          as a condition of probation under subdivision 252(b)(15) of this title.

16          (d) In determining whether to order an offender to participate in the  
17          Restorative Justice Program, the court shall consider any relevant factors,  
18          including:

19                  (1) whether there is an agreement between the parties for the referral;

20                  (2) the views of any victim of the offense;

21                  (3) the impact of the offense on the community;

1           (4) the offender's willingness to participate in the program;

2           (5) the offender's capacity to meaningfully participate in the program;

3       and

4           (6) whether there are any orders of protection in effect, or previously in  
5       effect, between the offender and any victim.

6           (e) The Court Administrator shall create standardized forms for the referral  
7       of offenders to the Restorative Justice Program to be used in all courts of the  
8       State.

9           (f) The Supreme Court may adopt procedural rules to effectuate this  
10       section.

11       Sec. 4. EFFECTIVE DATE

12       This act shall take effect on July 1, 2026.