

1 Introduced by Committee on Corrections and Institutions

2 Date:

3 Subject: Criminal procedures; conditions of release; pretrial supervision

4 Statement of purpose of bill as introduced: This bill proposes to amend
5 eligibility requirements for referral to pretrial supervision; require the
6 Department of Corrections to assess whether pretrial supervision is appropriate
7 for any defendant who is being considered or recommended for detention
8 pending trial; set a target caseload of not more than 20 defendants for each
9 pretrial supervision officer; permit pretrial supervision officers to file a motion
10 with the Criminal Division to review pretrial supervision conditions upon a
11 violation of a court-imposed condition; and require the Department of Mental
12 Health and the Department of Health to coordinate with the Department of
13 Corrections to provide timely referrals to behavioral health services for
14 defendants under pretrial supervision.

15 An act relating to Pretrial Supervision Program eligibility, referral, and
16 personnel

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

18 Sec. 1. 13 V.S.A. § 7555 is amended to read:

19 § 7555. PRETRIAL SUPERVISION PROGRAM

1 (a) Purpose. The purpose of the Pretrial Supervision Program is to assist
2 eligible ~~people~~ persons through the use of evidence-based strategies to improve
3 pretrial compliance with conditions of release, to coordinate and support the
4 provision of pretrial services when appropriate, to ensure attendance at court
5 appearances, and to decrease the potential to recidivate while awaiting trial.

6 (b) Definition. As used in this section, “absconded” has the same meaning
7 as “absconding” as defined in 28 V.S.A. § ~~722(1)(B)–(C)~~ 722(1)(B) and (C).

8 (c) Pretrial supervision.

9 (1) Except as provided in subsection ~~(g)~~ (h) of this section, beginning on
10 January 1, 2025, the Pretrial Supervision Program shall, if ordered by the court
11 pursuant to subsection (d) of this section, monitor defendants who ~~have been~~
12 ~~charged with violating a condition of release pursuant to section 7559 of this~~
13 ~~title or have not fewer than five pending dockets and~~ pose a risk of
14 nonappearance at court hearings, a risk of flight, or a risk of endangering the
15 public.

16 (2) The Department shall assign a pretrial supervision officer to monitor
17 defendants in a designated region of Vermont and help coordinate any pretrial
18 services needed by the defendant. The Department shall maintain a target
19 caseload of not more than 20 defendants for each pretrial supervision officer.

1 (3) The Department shall determine the appropriate level of supervision
2 using evidence-based screenings of those defendants eligible to be placed in
3 the Program. The Department’s supervision levels may include use of:

- 4 (A) the Department’s telephone monitoring system;
- 5 (B) telephonic meetings with a pretrial supervision officer;
- 6 (C) in-person meetings with a pretrial supervision officer;
- 7 (D) electronic monitoring; or
- 8 (E) any other means of contact deemed appropriate.

9 ~~(3)~~(4) When placing a defendant into the Program pursuant to
10 subsection (d) of this section, the court shall issue an order that sets the
11 defendant’s level of supervision based on the recommendations submitted by
12 the Department of Corrections.

13 (d) Procedure.

14 (1) ~~At arraignment or at a subsequent hearing, the prosecutor or the~~
15 ~~defendant may move, or on the court’s own motion, that the defendant be~~
16 ~~reviewed by the court to determine whether the defendant is appropriate for~~
17 ~~pretrial supervision. The review shall be scheduled upon the court’s receipt of~~
18 ~~a report from the Department of Corrections containing recommendations~~
19 ~~pertaining to the defendant’s supervision level~~ The Department of Corrections
20 shall assess each defendant who is being considered or recommended for

1 detention pending trial. The Department shall submit a report to the court
2 containing recommendations pertaining to the defendant’s supervision level.

3 ~~(2) A defendant is eligible for pretrial supervision if the person has:~~

4 ~~(A) violated conditions of release pursuant to section 7559 of this~~
5 ~~title; or~~

6 ~~(B) not fewer than five pending court dockets.~~

7 ~~(3)~~(2) After a hearing and review of the Department of Corrections’
8 report containing the defendant’s supervision level recommendations, the court
9 may order that the defendant be released to the Pretrial Supervision Program,
10 provided that the court finds placing the defendant under pretrial supervision
11 will reasonably ensure the person’s appearance in court when required, will
12 reasonably mitigate the risk of flight, or reasonably ensure protection of the
13 public. In making such a determination, the court shall consider the following:

14 (A) the nature of the violation of conditions of release pursuant to
15 section 7559 of this title;

16 (B) the nature and circumstances of the underlying offense or
17 offenses with which the defendant is charged;

18 (C) the defendant’s prior convictions, history of violence, medical
19 and mental health needs, history of supervision, and risk of flight;

20 (D) any risk or undue burden to third parties or risk to public safety
21 that may result from the placement; or

1 (E) any other factors that the court deems appropriate.

2 (e) Compliance and review.

3 (1) Pretrial supervision officers shall notify the prosecutor and use
4 reasonable efforts to notify the defendant of any violations of court-imposed
5 Program conditions committed by the defendant.

6 (2) Pretrial supervision officers may notify the prosecutor and use
7 reasonable efforts to notify the defendant of any violations of Department-
8 imposed administrative conditions committed by the defendant.

9 (3)(A) Upon the motion of the prosecutor or the defendant, or on the
10 court's own motion, a defendant's compliance with pretrial supervision
11 conditions may be reviewed by the court.

12 (B) Pretrial supervision officers may file a motion to review pretrial
13 supervision conditions for a violation of court-imposed Program conditions
14 committed by the defendant.

15 (4) Upon submission of the pretrial supervision officer's sworn affidavit
16 by the prosecutor, the court may issue a warrant for the arrest of a defendant
17 who fails to report to the pretrial supervision officer, commits multiple
18 violations of supervision requirements, or has absconded.

19 (f) Policies and procedures.

20 (1) On or before November 1, 2024, the Department of Corrections shall
21 establish written policies and procedures for the Pretrial Supervision Program

1 to be used by the Department and any contractors or grantees that the
2 Department engages with to assist in the monitoring operations of the Program
3 and to assist the courts in understanding the Program.

4 (2) The Department shall develop policies and procedures concerning
5 supervision levels, evidence-based criteria for each supervision level, ~~and~~ the
6 means of contact that is appropriate for each supervision level, and criteria for
7 motions to review pretrial supervision conditions.

8 (g) Coordination regarding behavioral health services. The Department of
9 Mental Health and the Department of Health shall coordinate with the
10 Department of Corrections to provide timely referrals to behavioral health
11 services for defendants supervised under the Program.

12 (h) Contingent on funding. The Pretrial Supervision Program established
13 in this section shall operate only to the extent funds are appropriated for its
14 operation. If the Program is not operating in a particular county, the courts
15 shall not order pretrial supervision as a condition of release in accordance with
16 section 7554 of this title.

17 ~~(h)~~(i) Program support. The Department may support the operation of the
18 Program through grants of financial assistance to, or contracts for services
19 with, any public entity that meets the Department’s requirements.

20 Sec. 2. EFFECTIVE DATE

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