Introduced by Committee on Corrections and Institutions

Date:

Subject: Criminal procedures; conditions of release; pretrial supervision

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

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

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

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

§ 7555. PRETRIAL SUPERVISION PROGRAM

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

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

(c) Pretrial supervision.

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

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

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

(A) the Department's telephone monitoring system;

(B) telephonic meetings with a pretrial supervision officer;

(C) in-person meetings with a pretrial supervision officer;

(D) electronic monitoring; or

(E) any other means of contact deemed appropriate.

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

(d) Procedure.

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

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

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

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

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

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

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

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

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

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

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

(e) Compliance and review.

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

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

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

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

(4) Upon submission of the pretrial supervision officer's sworn affidavit to the court by either the prosecutor or the pretrial supervision officer, the court:

(A) may issue a warrant for the arrest of a defendant who fails to report to the pretrial supervision officer, commits ~~multiple~~ one or more violations of supervision requirements, or has absconded; and

(B) shall issue a warrant for the arrest of a defendant who meets the criteria of subdivision (A) of this subdivision (e)(4) if the defendant also has five or more pending criminal charges.

(f) Policies and procedures.

(1) On or before November 1, 2024, the Department of Corrections shall establish written policies and procedures for the Pretrial Supervision Program to be used by the Department and any contractors or grantees that the Department engages with to assist in the monitoring operations of the Program and to assist the courts in understanding the Program.

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

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

(h) Contingent on funding. The Pretrial Supervision Program established in this section shall operate only to the extent funds are appropriated for its operation. If the Program is not operating in a particular county, the courts

shall not order pretrial supervision as a condition of release in accordance with section 7554 of this title.

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

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2026.