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H.191

Introduced by Representatives Headrick of Burlington, Bos-Lun of  
Westminster, Cina of Burlington, Cole of Hartford, Hooper of  
Randolph, Logan of Burlington, Minier of South Burlington,  
Pouech of Hinesburg, and Rachelson of Burlington

Referred to Committee on

Date:

Subject: Corrections; facilities; private; for-profit; prohibition

Statement of purpose of bill as introduced: This bill proposes to restrict the  
Commissioner of Corrections' authority to assign and transfer persons in the  
custody of the Department of Corrections by only permitting the assignment  
and transfer of such persons to facilities operated by public or nonprofit  
entities and pursuant to an interstate or federal compact. The bill further  
proposes that the Department of Corrections create an implementation plan to  
repatriate incarcerated individuals housed out of state back to Vermont.

An act relating to prohibiting the use of private and for-profit correctional  
facilities

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

Sec. 1. FINDINGS AND INTENT

(a) The General Assembly finds that:

1           (1) The population of inmates in Vermont has risen from approximately  
2           300 detainees per day in 2020 to approximately 500 detainees per day in 2024  
3           while the sentenced population has remained relatively stable during the same  
4           time period.

5           (2) Housing individuals in an out-of-state correctional facility is not a  
6           temporary solution and results in a long-term costly and unsustainable practice  
7           for the State.

8           (3) Sending individuals out of state discourages visits from family and  
9           friends. Studies have shown a correlation between visitation and reduced  
10          recidivism upon completion of prison time.

11          (4) Incarcerated individuals housed out of state have restricted access to  
12          legal counsel, resulting in an increased reliance on telecommunication. This  
13          additional burden subjects prisoners and those who wish to contact them to  
14          exorbitant correctional facility phone rates.

15          (5) The State is unable to provide the same level of oversight and care  
16          for incarcerated individuals held at out-of-state correctional facilities.

17          (b) It is the intent of the General Assembly that, by 2034, Vermont's  
18          practice of housing incarcerated individuals in privately operated, for-profit, or  
19          out-of-state correctional facilities shall be prohibited so that corporations are  
20          not enriched for depriving the liberty of persons sentenced to imprisonment. It  
21          is the further intent of the General Assembly that such a prohibition does not

1 affect incarcerated individuals housed in a facility pursuant to an interstate  
2 compact.

3 Sec. 2. 28 V.S.A. § 102 is amended to read:

4 § 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;  
5 POWERS; RESPONSIBILITIES

6 \* \* \*

7 (b) The Commissioner is charged with the following powers:

8 \* \* \*

9 (4) To appoint and remove subordinate officers of the Department in  
10 accordance with law, and, notwithstanding the provisions of any other statute  
11 or law, to delegate any authority conferred on ~~him or her~~ the Commissioner by  
12 statute to any designee named by ~~him or her~~ the Commissioner in writing.

13 (5) To order the assignment and transfer of persons committed to the  
14 custody of the Commissioner to correctional facilities provided the facilities  
15 are operated by a public or nonprofit entity, including out-of-state facilities.

16 \* \* \*

17 (c) The Commissioner is charged with the following responsibilities:

18 \* \* \*

19 (11) To close any correctional facility that ~~he or she~~ the Commissioner  
20 deems inadequate.

1           (12) To establish training programs for new employees and to establish  
2 such in-service training programs as ~~he or she~~ the Commissioner deems  
3 advisable.

4   \* \* \*

5           (17) To exercise all powers and perform all duties necessary and proper  
6 in carrying out ~~his or her~~ the Commissioner's responsibilities and in fulfilling  
7 the purposes and objectives of this title.

8   \* \* \*

9           (20) To utilize the Department of Buildings and General Services'  
10 competitive bidding practices in order to determine the most effective and cost-  
11 effective alternatives for housing inmates placed in any out-of-state  
12 correctional facility pursuant to an interstate compact or federal contract.

13 Sec. 3. 28 V.S.A. § 709 is added to read:

14 § 709. OUT-OF-STATE FACILITIES; PROHIBITIONS

15       (a) Facility prohibitions.

16           (1) No individual under the custody of the Commissioner shall be  
17 supervised, housed, treated, or cared for in an out-of-state correctional facility  
18 unless it is operated by a public or nonprofit entity to house individuals  
19 pursuant to an interstate compact or federal contract.

20           (2) The Department shall not employ any rehabilitative, educational,  
21 health care, or other support services provided by a private or for-profit entity.

1           (3) The Department shall not contract with any private or for-profit  
2 entity to operate any correctional facility.

3           (b) Transfer prohibitions.

4           (1) On and after July 1, 2025, the Commissioner shall neither negotiate  
5 nor execute contracts for the assignment or transfer of individuals to an out-of-  
6 state correctional facility unless the facility is operated by a public or nonprofit  
7 entity to house individuals pursuant to an interstate compact or federal  
8 contract.

9           (2) On and after January 1, 2030, the Commissioner shall terminate or  
10 amend any existing contracts to be compliant with this section.

11 Sec. 4. OUT-OF-STATE CORRECTIONAL FACILITIES; PROHIBITION;

12 IMPLEMENTATION PLAN

13           On or before November 15, 2025, the Department of Corrections shall  
14 develop and submit a written report to the Senate Committees on Institutions  
15 and on Judiciary and the House Committee on Corrections and Institutions  
16 detailing an implementation plan for the following:

17           (1) the expansion of in-state capacity for facilities operated by the  
18 Department of Corrections, with the objective of leveraging restorative justice  
19 approaches, pre- and post-charge diversion, and rehabilitative programming to  
20 achieve such capacity expansion; and

1           (2) transferring individuals currently housed in out-of-state facilities  
2           back to Vermont in accordance with the timelines described in 28 V.S.A.  
3           § 709(b).

4           Sec. 5. EFFECTIVE DATE

5           This act shall take effect on passage.