

ATTACHMENT B

SENTENCING COMMISSION SENTENCE RECONSIDERATION PROPOSAL -10/26/20 (as approved by Criminal Rules Committee on 7/24/20)

Sec. 3. 13 V.S.A. § 7042(d) is added to read:

(d) Any court that has imposed or is imposing a sentence under the authority of this title may, upon the stipulation of the prosecutor's office that prosecuted the case and the defendant, reduce or otherwise modify the sentence at any time after the imposition of sentence.

Sec. 4. Vermont Rule of Criminal Procedure 35 is amended to read:

RULE 35. CORRECTION, REDUCTION, AND MODIFICATION OF SENTENCE

(a) Correction of Sentence. -- The court may correct an illegal sentence at any time and may correct a sentence imposed in an illegal manner within the time provided herein for the reduction of sentence.

(b) Reduction of Sentence. -- The court, on its own initiative or on motion of the defendant, may reduce a sentence within 90 days after the sentence is imposed, or within 90 days after entry of any order or judgment of the Supreme Court upholding a judgment of conviction. The court may also reduce a sentence upon revocation of probation as provided by law. Changing a sentence from a sentence of incarceration to a grant of probation shall constitute a permissible reduction of sentence under this subdivision.

(c) Modification of Sentence on Motion of Prosecuting Attorney. -- A motion to modify a sentence filed by the prosecuting attorney shall be made within seven business days of the date of imposition of sentence.

(d) Procedure. -- A request for relief under this rule shall be by motion, and the procedure shall be governed by Rule 47.

Stipulation to reduce or modify. Any court that has imposed or is imposing a sentence under the authority of this title may, upon the stipulation of the prosecutor's office that prosecuted the case and the defendant, reduce or otherwise modify the sentence at any time after the imposition of sentence.