

1 Sec. 1. 28 V.S.A. § 403 is amended to read:

2 § 403. POWERS AND RESPONSIBILITIES OF THE COMMISSIONER  
3 REGARDING PAROLE

4 The Commissioner is charged with the following powers and  
5 responsibilities regarding the administration of parole:

6 \* \* \*

7 (6) To provide regular training for the Parole Board, at least annually, in  
8 collaboration with the Parole Board Director and the Chair of the Parole Board,  
9 on topics related to criminogenic behavior, mental health disorders, substance  
10 use treatment, trauma-informed work with victims of crime, and serious crime  
11 rehabilitation.

12 Sec. 2. 28 V.S.A. § 451 is amended to read:

13 § 451. CREATION OF BOARD

14 (a)(1) A Parole Board of ~~five~~ seven members is created. The Governor,  
15 with the advice and consent of the Senate, shall appoint ~~five regular~~ members  
16 ~~and two alternates~~ for terms of three years in such a manner that not more than  
17 three terms shall expire annually. Initial terms may be less than three years.  
18 Each member ~~and alternate~~ shall hold office until a successor is appointed and  
19 qualified. The Governor shall designate the Board's chair.

20 (2) Upon notification of a vacancy, the Governor shall consult with the  
21 Parole Board Director and the Chair of the Parole Board. As far as practicable,

1 the Governor shall appoint as members persons who have knowledge of and  
2 experience in ~~correctional treatment, crime prevention, or human relations~~  
3 criminogenic behavior, mental health treatment, substance use disorder, or  
4 serious crime rehabilitation, and shall give consideration, as far as practicable,  
5 to geographic representation of the State and a balance of different knowledge  
6 and experience.

7 (3) The Board shall select one of its members to serve as Vice Chair of  
8 the Board. If the Chair resigns or is otherwise permanently unable to serve on  
9 the Board, the Vice Chair shall serve as interim chair until the Governor  
10 designates a new chair pursuant to this section. ~~The Chair or the executive~~  
11 ~~director may assign alternates to serve on the Board in the absence of a regular~~  
12 ~~member and such alternates shall have all the powers and authority of a regular~~  
13 ~~member when so assigned.~~

14 (b) Three members of the Board shall constitute a quorum for the conduct  
15 of a meeting. Notwithstanding 1 V.S.A. § 172, the concurrence of a majority  
16 of members present at a Parole Board meeting shall be necessary and sufficient  
17 for Board action.

18 (c) The Chair of the Parole Board shall be entitled to compensation in the  
19 amount of \$20,500.00 annually, effective on the first pay period in fiscal year  
20 2006, which shall be in lieu of any per diem otherwise authorized by law. If  
21 the Vice Chair assumes the duties of the Chair for a period in excess of 30

1 consecutive days, the compensation otherwise payable to the Chair during ~~his~~  
2 ~~or her~~ the Chair's absence shall be paid to the Vice Chair.

3 (d) At least annually, each member of the Parole Board shall attend  
4 trainings designated by the Parole Board Director in collaboration with the  
5 Chair of the Parole Board.

6 Sec. 3. 28 V.S.A. § 455 is amended to read:

7 § 455. DIRECTOR

8 (a) The position of Parole Board Director is created. The Director shall be  
9 appointed by the Governor after consultation with the Board.

10 (b) The Director shall serve for a term of four years commencing on March  
11 1 and continuing until ~~his or her~~ a successor is appointed.

12 (c) The Director shall be exempt from classified State service.

13 (d) The Secretary of Human Services, in consultation with the Parole Board  
14 and the Department of Human Resources, shall establish the minimum and  
15 preferred qualifications, duties, and compensation of the Director.

16 (e) The Director shall be responsible for the overall function of the Parole  
17 Board, ensuring legal compliance, developing and implementing all policies  
18 and procedures of the Board, and ~~developing and providing~~ ensuring training is  
19 developed and provided to the Board, in collaboration with the Commissioner  
20 and the Chair of the Parole Board.

21 Sec. 4. PAROLE BOARD LEGAL COUNSEL PILOT PROJECT

1        (a) There is created the Parole Board Legal Counsel Pilot Project to provide  
2        external legal support for:

3            (1) annual training to the Board, including on topics related to due  
4        process and parole violations; and

5            (2) legal advice to the Board as needed related to Board hearings.

6        (b) The Office of the Attorney General shall coordinate with the Board and  
7        the Agency of Human Services to shall identify and contract with external  
8        legal support in coordination with the Office of the Attorney General.

9        (c) As part of the fiscal year 2028 budget development process, the Agency  
10       of Human Services and the Department of Corrections shall coordinate with  
11       the Parole Board Director to evaluate the pilot project and determine resources  
12       needed for Board external legal support for fiscal year 2028.

13       (d) On or before November 15, 2026, the Parole Board Director shall  
14       submit a written report to the House Committee on Corrections and Institutions  
15       and the Senate Committee on Institutions detailing the operation of the pilot  
16       project. The report shall include a recommendation regarding legal support for  
17       the Board going forward and the resources needed.

18       Sec. 5. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2026

19            CARRYFORWARD

20            Notwithstanding 2026 Acts and Resolves No. 74, Sec. 89 or any other  
21        provision of law to the contrary, The the \$25,000.00 General Fund

1 appropriated to the Department of Corrections for third-party legal services in  
2 2025 Acts and Resolves No. 27, Sec. B.336 shall carry forward into fiscal year  
3 2027 for the purpose of hiring external legal counsel pursuant to Sec. 4 of this  
4 act and shall not be subject to the approval of the Secretary of Administration  
5 or designated for any other purpose.

6 Sec. 6. APPROPRIATION

7 The sum of \$50,000.00 is appropriated from the General Fund to the  
8 Department of Corrections in fiscal year 2027 for the purpose of hiring  
9 external legal counsel pursuant to Sec. 4 of this act.

10 Sec. 7. PAROLE BOARD BUDGET SUBMISSION IN FISCAL YEAR  
11 2028 AND FISCAL YEAR 2029

12 (a) As part of the fiscal year 2028 and fiscal year 2029 budget development  
13 processes, the Parole Board Director shall submit a proposed budget to the  
14 Commissioner of Corrections and Secretary of Human Services.

15 (b) On or before December 15 1, 2027, the Parole Board Director shall  
16 submit a written report to the House Committee on Corrections and Institutions  
17 and the Senate Committee on Institutions detailing the budget development  
18 process. The report shall include a recommendation regarding the Parole  
19 Board submitting an annual budget to the Commissioner of Corrections.

20 Sec. 8. 13 V.S.A. § 5305 is amended to read:

21 § 5305. INFORMATION CONCERNING RELEASE FROM CUSTODY

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(c) ~~If requested by a victim of a listed crime, the~~ The Department of  
Corrections shall:  
(1) at least 30 days before a parole board hearing concerning the  
defendant, inform the victim of the hearing and of the victim's right to testify  
before the parole board or to submit a written statement for the parole board to  
consider; and  
(2) promptly inform the victim of the decision of the parole board,  
including providing to the victim any conditions attached to the defendant's  
release on parole notify victims of a listed crime as to parole board hearings  
concerning defendants and parole board decisions as provided in 28 V.S.A.  
§§ 502a and 507.

Sec. 9. 28 V.S.A. § 502a is amended to read:

§ 502a. RELEASE ON PAROLE

\* \* \*

(e)(1) The Department shall identify each inmate meeting the presumptive  
parole eligibility criteria in section 501a of this title and refer each eligible  
inmate who does not meet the risk criteria set forth in subdivision (2) of this  
subsection to the Parole Board for an administrative review at least 60 days  
prior to the inmate's eligibility date.

1           (2) The Department shall screen each inmate it identifies as eligible for  
2 presumptive parole for the risk criteria set forth in this subdivision. If the  
3 Department determines that, based on clear and convincing evidence, there is a  
4 reasonable probability that the inmate’s release would result in a detriment to  
5 the community, or that the inmate is not willing and capable of fulfilling the  
6 obligations of parole, the Department shall, at least 60 days prior to the  
7 inmate’s eligibility date, refer the inmate to the Parole Board for a parole  
8 hearing.

9           (3)(A) Within 30 days in advance of the inmate’s eligibility date, the  
10 Parole Board shall conduct an administrative review of each inmate the  
11 Department identifies as eligible for presumptive release who does not meet  
12 the risk criteria set forth in subdivision (2) of this subsection. The Board may  
13 deny presumptive release and set a hearing if it determines, through its  
14 administrative review, that a victim or victims should have the opportunity to  
15 participate in a parole hearing. If the Board determines there is a victim or  
16 victims who should be notified, the Department shall notify the victim or  
17 victims, and the Board shall provide them with the opportunity to participate in  
18 a parole hearing. A victim may waive any notification.

19           (B) The Parole Board shall conduct a parole hearing pursuant to  
20 section 502 of this title for each eligible inmate that the Department determines  
21 meets the risk criteria in subdivision (2) of this subsection.

1 Sec. 10. 28 V.S.A. § 507 is amended to read:

2 § 507. NOTIFICATION TO VICTIM AND OPPORTUNITY TO TESTIFY

3 (a) The Department of Corrections shall, unless waived by the victim:

4 (1) At at least 30 days prior to a parole eligibility hearing concerning the  
5 defendant, notify the victim of a listed crime as defined in 13 V.S.A.

6 § 5301(7), shall be notified as to the time and location of the hearing and as to  
7 the victim’s right to testify before the Parole Board or to submit a written  
8 statement for the Parole Board to consider; and

9 (2) promptly inform the victim of the decision of the Parole Board,  
10 including providing to the victim any conditions attached to the defendant’s  
11 release on parole. Such notification may be waived by the victim in writing.

12 \* \* \*

13 Sec. 811. EFFECTIVE DATE

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

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18 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE