

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 529
3 entitled “An act relating to enforcing violations of court-imposed pretrial
4 supervision conditions” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 § 7555. PRETRIAL SUPERVISION PROGRAM

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

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

16 (c) Pretrial supervision.

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

1 nonappearance at court hearings, a risk of flight, or a risk of endangering the
2 public.

3 (2) The Department shall assign a pretrial supervision officer to monitor
4 defendants in a designated region of Vermont and help coordinate any pretrial
5 services needed by the defendant. ~~The Department shall determine the~~
6 ~~appropriate level of supervision using evidence based screenings of those~~
7 ~~defendants eligible to be placed in the Program. The Department's supervision~~
8 ~~levels may include use of:~~

9 (A) ~~the Department's telephone monitoring system;~~

10 (B) ~~telephonic meetings with a pretrial supervision officer;~~

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

12 (D) ~~electronic monitoring; or~~

13 (E) ~~any other means of contact deemed appropriate.~~

14 (3) ~~When placing a defendant into the Program pursuant to subsection~~
15 ~~(d) of this section, the court shall issue an order that sets the defendant's level~~
16 ~~of supervision based on the recommendations submitted by the Department of~~
17 ~~Corrections. The Department shall maintain a target caseload of not more than~~
18 ~~20 defendants for each pretrial supervision officer.~~

19 (d) Procedure.

20 (1) At arraignment or at a subsequent hearing, ~~the prosecutor or the~~
21 ~~defendant may move, or on the court's own motion, that the defendant be~~

1 ~~reviewed by the court to determine whether the defendant is appropriate for~~
2 ~~pretrial supervision~~ may, on motion of the prosecutor or the defendant, or on
3 the court’s own motion, request that the Department of Corrections review and
4 determine the appropriate level of supervision for the defendant.

5 ~~(2)(A) The review shall be scheduled upon the court’s receipt of a report~~
6 ~~from~~ If requested by the court, the Department of Corrections shall determine
7 the appropriate level of supervision using evidence-based screening of the
8 defendant. The Department’s supervision levels may include use of:

9 (i) the Department’s telephone monitoring system;

10 (ii) telephonic meetings with a pretrial supervision officer;

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

12 (iv) electronic monitoring; or

13 (v) any other means of contact deemed appropriate.

14 (B) The Department shall submit to the court a report containing
15 recommendations pertaining to the defendant’s supervision level.

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

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

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

20 ~~(3)(A) After a hearing and review of the Department of Corrections’~~
21 ~~report containing the defendant’s supervision level recommendations, the court~~

1 may order that the defendant be released to the Pretrial Supervision Program,
2 provided that the court finds placing the defendant under pretrial supervision
3 will reasonably ensure the person’s appearance in court when required, will
4 reasonably mitigate the risk of flight, or will reasonably ensure protection of
5 the public. In making such a determination, the court shall consider the
6 following:

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

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

11 ~~(C)~~(iii) the defendant’s prior convictions, history of violence,
12 medical and mental health needs, history of supervision, and risk of flight;

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

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

16 (B) When placing a defendant into the Program, the court shall issue
17 an order that sets the defendant’s level of supervision based on the
18 recommendations submitted by the Department of Corrections.

19 (e) Compliance and review.

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

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

7 (3) Upon the motion of the prosecutor or the defendant, or on the court’s
8 own motion, a defendant’s compliance with pretrial supervision conditions
9 may be reviewed by the court.

10 (4) Upon submission of the pretrial supervision officer’s sworn affidavit
11 by the prosecutor, the court may issue a warrant for the arrest of a defendant
12 who fails to report to the pretrial supervision officer, commits ~~multiple~~ one or
13 more violations of supervision requirements, or has absconded.

14 (f) Policies and procedures.

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

1 (2) The Department shall develop policies and procedures concerning
2 supervision levels, evidence-based criteria for each supervision level, and the
3 means of contact that is appropriate for each supervision level.

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

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

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

16 Sec. 2. EFFECTIVE DATE

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

18 and that after passage the title of the bill be amended to read: “An act relating
19 to Pretrial Supervision Program eligibility and administration”
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21

1 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE