

1 TO THE HOUSE OF REPRESENTATIVES:

2        The Committee on Judiciary to which was referred House Bill No. 409  
3        entitled “An act relating to the procedures for bail revocation” respectfully  
4        reports that it has considered the same and recommends that the bill be  
5        amended by striking out all after the enacting clause and inserting in lieu  
6        thereof the following:

7 Sec. 1. 13 V.S.A. § 7551 is amended to read:

10 \* \* \*

11 (b) Limitation on imposition of bail, secured appearance bonds, and  
12 appearance bonds.

18 (B) at the initial appearance or upon the temporary release pursuant  
19 to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged  
20 with a violation of a misdemeanor offense that is eligible for ~~expungement~~  
21 sealing pursuant to subdivision 7601(4)(A) of this title.

## § 7556. APPEAL FROM CONDITIONS OF RELEASE OR BAIL

## REVOCATION DENIAL

12 (a) A person who is detained, or whose release on a condition requiring  
13 ~~him or her~~ the person to return to custody after specified hours is continued,  
14 after review of ~~his or her~~ the person's application pursuant to subsection  
15 7554(d) or (e) of this title by a judicial officer, other than a judge of the court  
16 having original jurisdiction over the offense with which ~~he or she~~ the person is  
17 charged or a Justice of the Supreme Court, may move the court having original  
18 jurisdiction over the offense with which ~~he or she~~ the person is charged to  
19 amend the order. The motion shall be determined promptly.

20 (b) When a person is detained after a court denies a motion under  
21 subsection (a) of this section or when conditions of release have been imposed

1 or amended by the judge of the court having original jurisdiction over the  
2 offense charged, an appeal may be taken to a single Justice of the Supreme  
3 Court who may hear the matter or at ~~his or her~~ the Justice's discretion refer it  
4 to the entire Supreme Court for hearing. No further appeal may lie from the  
5 ruling of a single Justice in matters to which this subsection applies. Any order  
6 so appealed shall be affirmed if it is supported by the proceedings below. If  
7 the order is not supported, the Supreme Court or single Justice hearing the  
8 matter may remand the case for a further hearing or may, with or without  
9 additional evidence, order the person released. The appeal shall be determined  
10 forthwith.

11 (c)(1) When a person is released, with or without bail or other conditions of  
12 release, an appeal may be taken by the State to a single Justice of the Supreme  
13 Court who may hear the matter or at ~~his or her~~ the Justice's discretion refer it  
14 to the entire Supreme Court for hearing. No further appeal may lie from the  
15 ruling of a single Justice in matters to which this subsection applies. Any order  
16 so appealed shall be affirmed if it is supported by the proceedings below. If  
17 the order is not supported, the Supreme Court or single Justice hearing the  
18 matter may remand the case for a further hearing or may, with or without  
19 additional evidence, modify or vacate the order. The appeal shall be  
20 determined forthwith promptly.

1                   (2) When a request to revoke bail pursuant to section 7575 of this title is  
2                   denied, a prosecutor may appeal the court's order in accordance with the  
3                   procedure outlined in subdivision (1) of this subsection.

4                   (d) A person held without bail under section 7553a of this title prior to trial  
5                   shall be entitled to an independent, second evidentiary hearing on the merits of  
6                   the denial of bail, which shall be a hearing de novo by a single Justice of the  
7                   Supreme Court forthwith. Pursuant to 4 V.S.A. § 22 the Chief Justice may  
8                   appoint and assign a retired justice or judge with ~~his or her~~ the retired justice's  
9                   or judge's consent or a Superior judge or District judge to a special assignment  
10                  on the Supreme Court to conduct that de novo hearing. Such hearing de novo  
11                  shall be an entirely new evidentiary hearing without regard to the record  
12                  compiled before the trial court; except, the parties may stipulate to the  
13                  admission of portions of the trial court record.

14                  (e) A person held without bail prior to trial shall be entitled to review of  
15                  that determination by a panel of three Supreme Court Justices within seven  
16                  business days after bail is denied.

17                  Sec. 3. EFFECTIVE DATE

18                  This act shall take effect July 1, 2026.

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4 (Committee vote: \_\_\_\_\_)

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6 Representative \_\_\_\_\_

7 FOR THE COMMITTEE