

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:

8 § 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND
9 APPEARANCE BONDS

10 * * *

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

13 (1) Except as provided in subdivision (2) of this subsection, no bail,
14 secured appearance bond, or appearance bond may be imposed:

15 (A) at the initial appearance of a person charged with a misdemeanor
16 if the person was cited for the offense in accordance with Rule 3 of the
17 Vermont Rules of Criminal Procedure; or

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

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

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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, the State 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 on passage.
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4 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE