

1 H.529
2 Introduced by Representative LaLonde of South Burlington
3 Referred to Committee on
4 Date:
5 Subject: Criminal procedures; conditions of release; pretrial supervision
6 Statement of purpose of bill as introduced: This bill proposes to permit pretrial
7 supervision officers to file a motion with the Criminal Division to review
8 pretrial supervision conditions upon a violation of a court-imposed condition.

9 An act relating to enforcing violations of court-imposed pretrial supervision
10 conditions

11 It is hereby enacted by the General Assembly of the State of Vermont:

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

13 **§ 7555. PRETRIAL SUPERVISION PROGRAM**

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

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

1 (c) Pretrial supervision.

- 15 (A) the Department's telephone monitoring system;
- 16 (B) telephonic meetings with a pretrial supervision officer;
- 17 (C) in-person meetings with a pretrial supervision officer;
- 18 (D) electronic monitoring; or
- 19 (E) any other means of contact deemed appropriate.

1 of supervision based on the recommendations submitted by the Department of
2 Corrections.

3 (d) Procedure.

4 (1) At arraignment or at a subsequent hearing, the prosecutor or the
5 defendant may move, or on the court's own motion, that the defendant be
6 reviewed by the court to determine whether the defendant is appropriate for
7 pretrial supervision. The review shall be scheduled upon the court's receipt of
8 a report from the Department of Corrections containing recommendations
9 pertaining to the defendant's supervision level.

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

11 (A) violated conditions of release pursuant to section 7559 of this
12 title; or

13 (B) not fewer than five pending court dockets.

14 (3) After a hearing and review of the Department of Corrections' report
15 containing the defendant's supervision level recommendations, the court may
16 order that the defendant be released to the Pretrial Supervision Program,
17 provided that the court finds placing the defendant under pretrial supervision
18 will reasonably ensure the person's appearance in court when required, will
19 reasonably mitigate the risk of flight, or reasonably ensure protection of the
20 public. In making such a determination, the court shall consider the following:

3 (B) the nature and circumstances of the underlying offense or
4 offenses with which the defendant is charged;

5 (C) the defendant's prior convictions, history of violence, medical
6 and mental health needs, history of supervision, and risk of flight;

9 (E) any other factors that the court deems appropriate.

10 (e) Compliance and review.

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

1 (B) Pretrial supervision officers may file a motion to review pretrial
2 supervision conditions for a violation of court-imposed Program conditions
3 committed by the defendant.

4 (4) Upon submission of the pretrial supervision officer's sworn affidavit
5 by the prosecutor, the court may issue a warrant for the arrest of a defendant
6 who fails to report to the pretrial supervision officer, commits multiple
7 violations of supervision requirements, or has absconded.

8 (f) Policies and procedures.

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

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

17 (g) Contingent on funding. The Pretrial Supervision Program established
18 in this section shall operate only to the extent funds are appropriated for its
19 operation. If the Program is not operating in a particular county, the courts
20 shall not order pretrial supervision as a condition of release in accordance with
21 section 7554 of this title.

4 Sec. 2. EFFECTIVE DATE

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