

H.529

Introduced by Representative LaLonde of South Burlington

Referred to Committee on

Date:

Subject: Criminal procedures; conditions of release; pretrial supervision

Statement of purpose of bill as introduced: This bill proposes to permit pretrial supervision officers to file a motion with the Criminal Division to review pretrial supervision conditions upon a violation of a court-imposed condition.

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

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

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

§ 7555. PRETRIAL SUPERVISION PROGRAM

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

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

1 (c) Pretrial supervision.

2 (1) Except as provided in subsection (g) of this section, beginning on  
3 January 1, 2025, the Pretrial Supervision Program shall, if ordered by the court  
4 pursuant to subsection (d) of this section, monitor defendants who have been  
5 charged with violating a condition of release pursuant to section 7559 of this  
6 title or have not fewer than five pending dockets and pose a risk of  
7 nonappearance at court hearings, a risk of flight, or a risk of endangering the  
8 public.

9 (2) The Department shall assign a pretrial supervision officer to monitor  
10 defendants in a designated region of Vermont and help coordinate any pretrial  
11 services needed by the defendant. The Department shall determine the  
12 appropriate level of supervision using evidence-based screenings of those  
13 defendants eligible to be placed in the Program. The Department's supervision  
14 levels may include use of:

- 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.

20 (3) When placing a defendant into the Program pursuant to subsection  
21 (d) of this section, the court shall issue an order that sets the defendant's level

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:

1           (A) the nature of the violation of conditions of release pursuant to  
2 section 7559 of this title;

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;

7           (D) any risk or undue burden to third parties or risk to public safety  
8 that may result from the placement; or

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.

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

17           (3)(A) Upon the motion of the prosecutor or the defendant, or on the  
18 court's own motion, a defendant's compliance with pretrial supervision  
19 conditions may be reviewed by the court.

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.

1           (h) Program support. The Department may support the operation of the  
2           Program through grants of financial assistance to, or contracts for services  
3           with, any public entity that meets the Department's requirements.

4           Sec. 2. EFFECTIVE DATE

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