

1 H.744

2 Introduced by Representative LaLonde of South Burlington

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; arrest without warrant

6 Statement of purpose of bill as introduced: This bill proposes to permit courts
7 to require that a law enforcement officer's affidavit in support of a warrantless
8 arrest include the charge that the prosecuting attorney intends to file and any
9 bail or conditions of release that the prosecuting attorney is requesting.

10 An act relating to procedures for arrest without a warrant

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

12 Sec. 1. Rule 3 of the Vermont Rules of Criminal Procedure is amended to
13 read:

14 Rule 3. Arrest Without Warrant; Citation to Appear

15 * * *

16 (k) Temporary Release. A law enforcement officer arresting a person shall
17 contact a judicial officer for determination of temporary release pursuant to
18 Rule 5(b) of these rules without unnecessary delay. The law enforcement
19 officer shall provide the judicial officer with an affidavit or sworn statement as
20 required by Rule 4(a) of these rules, and information upon which the

1 determination as to temporary release may be made. ~~The affidavit or sworn~~
2 ~~statement must indicate the crimes to be charged by the arresting officer. The~~
3 procedures and standards established by the Presiding Judge of each unit
4 pursuant to Rule 5(b) may require that the affidavit or sworn statement include
5 the charge or charges that the prosecuting attorney intends to file and may
6 require that the affidavit also include any conditions of release, including bail
7 or an order to hold without bail, that the prosecuting attorney is requesting.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.