

1 TO THE HONORABLE SENATE:

2 The Committee on Institutions to which was referred House Bill No. 559
3 entitled “An act relating to the Parole Board” respectfully reports that it has
4 considered the same and recommends that the Senate propose to the House that
5 the bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 28 V.S.A. § 403 is amended to read:

8 § 403. POWERS AND RESPONSIBILITIES OF THE COMMISSIONER
9 REGARDING PAROLE

10 The Commissioner is charged with the following powers and
11 responsibilities regarding the administration of parole:

12 * * *

13 (6) To provide regular training for the Parole Board, at least annually, in
14 collaboration with the Parole Board Director and the Chair of the Parole Board,
15 on topics related to criminogenic behavior, mental health disorders, substance
16 use treatment, trauma-informed work with victims of crime, and serious crime
17 rehabilitation.

18 Sec. 2. 28 V.S.A. § 451 is amended to read:

19 § 451. CREATION OF BOARD

20 (a)(1) A Parole Board of ~~five~~ seven members is created. The Governor,
21 with the advice and consent of the Senate, shall appoint ~~five regular~~ members

1 ~~and two alternates~~ for terms of three years in such a manner that not more than
2 three terms shall expire annually. Initial terms may be less than three years.
3 Each member ~~and alternate~~ shall hold office until a successor is appointed and
4 qualified. The Governor shall designate the Board's chair.

5 (2) Upon notification of a vacancy, the Governor shall consult with the
6 Parole Board Director and the Chair of the Parole Board. As far as practicable,
7 the Governor shall appoint as members persons who have knowledge of and
8 experience in ~~correctional treatment, crime prevention, or human relations~~
9 criminogenic behavior, mental health treatment, substance use disorder, or
10 serious crime rehabilitation, and shall give consideration, as far as practicable,
11 to geographic representation of the State and a balance of different knowledge
12 and experience.

13 (3) The Board shall select one of its members to serve as Vice Chair of
14 the Board. If the Chair resigns or is otherwise permanently unable to serve on
15 the Board, the Vice Chair shall serve as interim chair until the Governor
16 designates a new chair pursuant to this section. ~~The Chair or the executive~~
17 ~~director may assign alternates to serve on the Board in the absence of a regular~~
18 ~~member and such alternates shall have all the powers and authority of a regular~~
19 ~~member when so assigned.~~

20 (b) Three members of the Board shall constitute a quorum for the conduct
21 of a meeting. Notwithstanding 1 V.S.A. § 172, the concurrence of a majority

1 of members present at a Parole Board meeting shall be necessary and sufficient
2 for Board action.

3 (c) The Chair of the Parole Board shall be entitled to compensation in the
4 amount of \$20,500.00 annually, effective on the first pay period in fiscal year
5 2006, which shall be in lieu of any per diem otherwise authorized by law. If
6 the Vice Chair assumes the duties of the Chair for a period in excess of 30
7 consecutive days, the compensation otherwise payable to the Chair during ~~his~~
8 ~~or her~~ the Chair's absence shall be paid to the Vice Chair.

9 (d) At least annually, each member of the Parole Board shall attend
10 trainings designated by the Parole Board Director in collaboration with the
11 Chair of the Parole Board.

12 Sec. 3. 28 V.S.A. § 455 is amended to read:

13 § 455. DIRECTOR

14 (a) The position of Parole Board Director is created. The Director shall be
15 appointed by the Governor after consultation with the Board.

16 (b) The Director shall serve for a term of four years commencing on March
17 1 and continuing until ~~his or her~~ a successor is appointed.

18 (c) The Director shall be exempt from classified State service.

19 (d) The Secretary of Human Services, in consultation with the Parole Board
20 and the Department of Human Resources, shall establish the minimum and
21 preferred qualifications, duties, and compensation of the Director.

1 (e) The Director shall be responsible for the overall function of the Parole
2 Board, ensuring legal compliance, developing and implementing all policies
3 and procedures of the Board, and ensuring training is developed and provided
4 to the Board, in collaboration with the Commissioner and the Chair of the
5 Parole Board.

6 Sec. 4. PAROLE BOARD LEGAL COUNSEL PILOT PROJECT

7 (a) There is created the Parole Board Legal Counsel Pilot Project to provide
8 external legal support for:

9 (1) annual training to the Board, including on topics related to due
10 process and parole violations; and

11 (2) legal advice to the Board as needed related to Board hearings.

12 (b) The Board and the Agency of Human Services shall identify and
13 contract with external legal support in coordination with the Office of the
14 Attorney General.

15 (c) As part of the fiscal year 2028 budget development process, the Agency
16 of Human Services and the Department of Corrections shall coordinate with
17 the Parole Board Director to evaluate the pilot project and determine resources
18 needed for Board external legal support for fiscal year 2028.

19 (d) On or before November 15, 2026, the Parole Board Director shall
20 submit a written report to the House Committee on Corrections and Institutions
21 and the Senate Committee on Institutions detailing the operation of the pilot

1 project. The report shall include a recommendation regarding legal support for
2 the Board going forward and the resources needed.

3 Sec. 5. DEPARTMENT OF CORRECTIONS FISCAL YEAR 2026

4 CARRYFORWARD

5 The \$25,000.00 General Fund appropriated to the Department of
6 Corrections for third-party legal services in 2025 Acts and Resolves No. 27,
7 Sec. B.336 shall carry forward into fiscal year 2027 for the purpose of hiring
8 external legal counsel pursuant to Sec. 4 of this act.

9 Sec. 6. APPROPRIATION

10 The sum of \$50,000.00 is appropriated from the General Fund to the
11 Department of Corrections in fiscal year 2027 for the purpose of hiring
12 external legal counsel pursuant to Sec. 4 of this act.

13 Sec. 7. PAROLE BOARD BUDGET SUBMISSION IN FISCAL YEAR

14 2028 AND FISCAL YEAR 2029

15 (a) As part of the fiscal year 2028 and fiscal year 2029 budget development
16 processes, the Parole Board Director shall submit a proposed budget to the
17 Commissioner of Corrections and Secretary of Human Services.

18 (b) On or before December 1, 2027, the Parole Board Director shall submit
19 a written report to the House Committee on Corrections and Institutions and
20 the Senate Committee on Institutions detailing the budget development

1 process. The report shall include a recommendation regarding the Parole
2 Board submitting an annual budget to the Commissioner of Corrections.

3 Sec. 8. 13 V.S.A. § 5305 is amended to read:

4 § 5305. INFORMATION CONCERNING RELEASE FROM CUSTODY

5 * * *

6 (c) ~~If requested by a victim of a listed crime, the~~ The Department of
7 Corrections shall:

8 ~~(1) at least 30 days before a parole board hearing concerning the~~
9 ~~defendant, inform the victim of the hearing and of the victim's right to testify~~
10 ~~before the parole board or to submit a written statement for the parole board to~~
11 ~~consider; and~~

12 ~~(2) promptly inform the victim of the decision of the parole board,~~
13 ~~including providing to the victim any conditions attached to the defendant's~~
14 ~~release on parole~~ notify victims of a listed crime as to parole board hearings
15 concerning defendants and parole board decisions as provided in 28 V.S.A.
16 §§ 502a and 507.

17 Sec. 9. 28 V.S.A. § 502a is amended to read:

18 § 502a. RELEASE ON PAROLE

19 * * *

20 (e)(1) The Department shall identify each inmate meeting the presumptive
21 parole eligibility criteria in section 501a of this title and refer each eligible

1 inmate who does not meet the risk criteria set forth in subdivision (2) of this
2 subsection to the Parole Board for an administrative review at least 60 days
3 prior to the inmate’s eligibility date.

4 (2) The Department shall screen each inmate it identifies as eligible for
5 presumptive parole for the risk criteria set forth in this subdivision. If the
6 Department determines that, based on clear and convincing evidence, there is a
7 reasonable probability that the inmate’s release would result in a detriment to
8 the community, or that the inmate is not willing and capable of fulfilling the
9 obligations of parole, the Department shall, at least 60 days prior to the
10 inmate’s eligibility date, refer the inmate to the Parole Board for a parole
11 hearing.

12 (3)(A) Within 30 days in advance of the inmate’s eligibility date, the
13 Parole Board shall conduct an administrative review of each inmate the
14 Department identifies as eligible for presumptive release who does not meet
15 the risk criteria set forth in subdivision (2) of this subsection. The Board may
16 deny presumptive release and set a hearing if it determines, through its
17 administrative review, that a victim or victims should have the opportunity to
18 participate in a parole hearing. If the Board determines there is a victim or
19 victims who should be notified, the Department shall notify the victim or
20 victims, and the Board shall provide them with the opportunity to participate in
21 a parole hearing. A victim may waive any notification.

1 (B) The Parole Board shall conduct a parole hearing pursuant to
2 section 502 of this title for each eligible inmate that the Department determines
3 meets the risk criteria in subdivision (2) of this subsection.

4 Sec. 10. 28 V.S.A. § 507 is amended to read:

5 § 507. NOTIFICATION TO VICTIM AND OPPORTUNITY TO TESTIFY

6 (a) The Department of Corrections shall, unless waived by the victim:

7 (1) At at least 30 days prior to a parole eligibility hearing concerning the
8 defendant, notify the victim of a listed crime as defined in 13 V.S.A.

9 § 5301(7); shall be notified as to the time and location of the hearing and as to
10 the victim’s right to testify before the Parole Board or to submit a written
11 statement for the Parole Board to consider; and

12 (2) promptly inform the victim of the decision of the Parole Board,
13 including providing to the victim any conditions attached to the defendant’s
14 release on parole. Such notification may be waived by the victim in writing.

15 * * *

16 Sec. 11. EFFECTIVE DATE

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

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20

21 (Committee vote: _____)

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2

Senator _____

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FOR THE COMMITTEE