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S.27

Introduced by Senators Ram Hinsdale, Gulick, Hardy, Vyhovsky and Watson

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; bail

Statement of purpose of bill as introduced: This bill proposes to prohibit the imposition of cash bail in cases where the defendant has been charged with a misdemeanor, to require criminal justice stakeholders to develop recommendations to eliminate cash bail, to require the Department of Corrections to report racial data on pretrial detainees, and to require the Judiciary to establish and implement a system to notify persons charged with a criminal offense of upcoming court hearings.

An act relating to reducing the imposition of cash bail

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

~~Sec. 1. 13 V.S.A. § 7551 is amended to read:~~

~~§ 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND
APPEARANCE BONDS~~

~~(a) Bonds; generally. A bond given by a person charged with a criminal offense or by a witness in a criminal prosecution under section 6605 of this~~

1 ~~title, conditioned for the appearance of the person or witness before the court~~
2 in cases where the offense is punishable by fine or imprisonment, and in
3 appealed cases, shall be taken to the Criminal Division of the Superior Court
4 where the prosecution is pending and shall remain binding upon parties until
5 discharged by the court or until sentencing. The person or witness shall appear
6 at all required court proceedings.

7 (b) Limitation on imposition of bail, secured appearance bonds, and
8 appearance bonds.

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

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

14 (B) at the initial appearance or upon the temporary release pursuant
15 to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged
16 with a violation of a misdemeanor offense that is eligible for expungement
17 pursuant to subdivision 7601(4)(A) of this title.

18 (2) ~~In the event the court finds that imposing bail is necessary to~~
19 ~~mitigate the risk of flight from prosecution for a person charged with a~~
20 ~~violation of a misdemeanor offense that is eligible for expungement pursuant~~

1 ~~to subdivision 7601(4)(A) of this title, the court may impose bail in a~~
2 ~~maximum amount of \$200.00.~~

3 (3) This subsection shall not be construed to restrict the court's ability
4 to impose conditions on such persons to reasonably mitigate the risk of flight
5 from prosecution or to reasonably protect the public in accordance with section
6 7554 of this title.

7 Sec. 2. PROPOSAL TO ELIMINATE CASH BAIL

8 The Office of the Attorney General, the Office of the Defender General, the
9 Department of State's Attorney, and Sheriffs, the Judiciary, the Center for
10 Crime Victim Services, and the Vermont Network Against Domestic and
11 Sexual Violence shall work collaboratively to identify the conditions that
12 would be required to move toward the elimination of the use of cash bail for
13 the purpose of mitigating risk of flight from prosecution and develop a
14 proposal to eliminate cash bail in Vermont. These stakeholders shall report
15 their findings and recommendations to the General Assembly on or before
16 December 1, 2023.

17 Sec. 3. COLLECTION OF RACE DATA FOR PRETRIAL DETAINEES

18 The Department of Corrections shall collect data on the race of pretrial
19 detainees held in Vermont prisons. This data shall be included in any detainee
20 data reports required of the Department either through statute or upon request
21 by the General Assembly.

1 ~~Sec. 4. JUDICIARY; NOTICES OF HEARINGS~~

2 ~~(a) To reduce the instances of failure to appear by persons who are charged~~
3 ~~with a criminal offense, on or before July 1, 2025, the Judiciary shall establish~~
4 ~~and implement a system to electronically notify such persons of upcoming~~
5 ~~required court appearances.~~

6 ~~(b) On or before December 1, 2023, the Judiciary shall report to the~~
7 ~~General Assembly any requests for legislation or monies necessary to fund the~~
8 ~~system identified in subsection (a) of this section.~~

9 ~~(c) On or before December 1, 2026, the Judiciary shall report to the~~
10 ~~General Assembly on the efficacy of the notification system.~~

11 Sec. 5. EFFECTIVE DATES

12 (a) This section and Secs. 2–4 shall take effect on passage.

13 ~~(b) Sec. 1 shall take effect on July 1, 2025.~~

Sec. 1. 13 V.S.A. § 7551 is amended to read:

*§ 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND
APPEARANCE BONDS*

(a) Bonds; generally. A bond given by a person charged with a criminal offense or by a witness in a criminal prosecution under section 6605 of this title, conditioned for the appearance of the person or witness before the court in cases where the offense is punishable by fine or imprisonment, and in appealed cases, shall be taken to the Criminal Division of the Superior Court where the prosecution is pending and shall remain binding upon parties until discharged by the court or until sentencing. The person or witness shall appear at all required court proceedings.

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

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

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

~~(B) at the initial appearance offense or upon the temporary release pursuant to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged with a violation of a misdemeanor offense that is eligible for expungement pursuant to subdivision 7601(4)(A) of this title.~~

~~(2) In the event, except where the court finds that imposing bail is necessary to mitigate the risk of flight from prosecution for a person charged with a violation of a misdemeanor offense that is eligible for expungement pursuant to subdivision 7601(4)(A) of this title, the court may impose bail in a maximum amount of \$200.00 any of the following offenses:~~

~~(A) domestic assault as defined in section 1042 of this title;~~

~~(B) stalking as defined in section 1062 of this title;~~

~~(C) violation of a protection order as defined in section 1030 of this title;~~

~~(D) recklessly endangering another person as defined in section 1025 of this title;~~

~~(E) misdemeanor cruelty to a child as defined in section 1304 of this title;~~

~~(F) misdemeanor abuse, neglect, or exploitation of a vulnerable adult as defined in chapter 28 of this title; or~~

~~(G) misdemeanor sexual exploitation of children in violation of chapter 64 of this title.~~

~~(3)(2) This subsection shall not be construed to restrict the court's ability to impose conditions on such persons to reasonably mitigate the risk of flight from prosecution or to reasonably protect the public in accordance with section 7554 of this title.~~

Sec. 2. PROPOSAL TO ELIMINATE CASH BAIL

~~(a)(1) The Vermont Sentencing Commission, in consultation with the entities designated in subdivision (2) of this subsection, shall identify the conditions that would be required to move toward the elimination of the use of cash bail for the purpose of mitigating risk of flight from prosecution and develop a proposal to eliminate cash bail in Vermont.~~

(2) The Commission shall solicit input from:

(A) the Vermont Network Against Domestic and Sexual Violence;

(B) the Community Justice Unit of the Office of the Attorney General;

(C) Vermont Legal Aid;

(D) the Vermont Office of Racial Equity;

(E) the Vermont chapter of the American Civil Liberties Union;

(F) the Vermont Freedom Fund; and

(G) national experts on bail reform.

(b) The Commission shall report its findings and recommendations to the General Assembly on or before December 1, 2023.

Sec. 3. JUDICIARY; NOTICES OF HEARINGS

(a) To reduce the instances of failure to appear by persons who are charged with a criminal offense, on or before July 1, 2025, the Judiciary shall establish and implement a system to electronically notify such persons of upcoming required court appearances.

(b) On or before December 1, 2023, the Judiciary shall report to the General Assembly any requests for legislation or monies necessary to fund the system identified in subsection (a) of this section.

(c) On or before December 1, 2026, the Judiciary shall report to the General Assembly on the efficacy of the notification system.

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 2 and 3 shall take effect on passage.

(b) Sec. 1 shall take effect on July 1, 2025.