

1 H.296

2 Introduced by Representatives Bos-Lun of Westminster, Colburn of
3 Burlington, Anthony of Barre City, Brady of Williston, Burke
4 of Brattleboro, Burrows of West Windsor, Christie of Hartford,
5 Cina of Burlington, Goldman of Rockingham, Kornheiser of
6 Brattleboro, Lippert of Hinesburg, Mrowicki of Putney,
7 Mulvaney-Stanak of Burlington, Rachelson of Burlington,
8 Surprenant of Barnard, Troiano of Stannard, White of Bethel,
9 and White of Hartford

10 Referred to Committee on

11 Date:

12 Subject: Crimes and criminal procedure; bail

13 Statement of purpose of bill as introduced: This bill proposes to prohibit the
14 imposition of cash bail in cases where the defendant has been charged with a
15 criminal offense that is eligible for expungement; to require criminal justice
16 stakeholders to develop recommendations to eliminate cash bail; to require the
17 Department of Corrections to report racial data on pretrial detainees; and to
18 require the Judiciary to establish and implement a system to notify persons
19 charged with a criminal offense of upcoming court hearings.

20 An act relating to reducing the imposition of cash bail

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

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

3 § 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND
4 APPEARANCE BONDS

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

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

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

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

20 (B) at the initial appearance or upon the temporary release pursuant
21 to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged

1 with a violation of ~~a misdemeanor~~ an offense that is eligible for expungement
2 pursuant to ~~subdivision 7601(4)(A)~~ section 7601 of this title.

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

8 (3) This subsection shall not be construed to restrict the court's ability to
9 impose conditions on such persons to reasonably mitigate the risk of flight
10 from prosecution or to reasonably protect the public in accordance with section
11 7554 of this title.

12 Sec. 2. PROPOSAL TO ELIMINATE CASH BAIL

13 The Office of the Attorney General, the Office of the Defender General, the
14 Department of State's Attorneys and Sheriffs, the Judiciary, the Center for
15 Crime Victim Services, and the Vermont Network Against Domestic and
16 Sexual Violence shall work collaboratively to identify the conditions that
17 would be required to move toward the elimination of the use of cash bail for
18 the purpose of mitigating risk of flight from prosecution and develop a
19 proposal to eliminate cash bail in Vermont. These stakeholders shall report
20 their findings and recommendations to the General Assembly on or before
21 December 1, 2021.

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

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

6 Sec. 4. JUDICIARY; NOTICES OF HEARINGS

7 (a) To reduce the instances of failure to appear by persons who are charged
8 with a criminal offense, on or before July 1, 2023 the Judiciary shall establish
9 and implement a system to electronically notify such persons of upcoming
10 required court appearances.

11 (b) On or before December 1, 2021, the Judiciary shall report to the
12 General Assembly any requests for legislation or monies necessary to fund the
13 system identified in subsection (a) of this section.

14 (c) On or before December 1, 2024, the Judiciary shall report to the
15 General Assembly on the efficacy of the notification system.

16 Sec. 5. EFFECTIVE DATES

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

18 (b) Sec. 1 of this act shall take effect on July 1, 2023.