

1 H.385

2 Introduced by Representatives Cina of Burlington, Colburn of Burlington, and  
3 Cordes of Lincoln

4 Referred to Committee on

5 Date:

6 Subject: Criminal procedures; failure to appear at a court proceeding because  
7 of inpatient treatment; arrest prohibited

8 Statement of purpose of bill as introduced: This bill proposes to prohibit a  
9 person from being arrested if the person misses a court date in a criminal  
10 proceeding because the person was receiving treatment in an inpatient setting  
11 for a mental condition or a substance abuse disorder.

12 An act relating to prohibiting the arrest of a person who misses a court date  
13 because of inpatient mental health or substance abuse treatment

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

15 Sec. 1. 13 V.S.A. § 7559 is amended to read:

16 § 7559. RELEASE; DESIGNATION; SANCTIONS

17 \* \* \*

18 (f)(1) Notwithstanding Rule 3 of the Vermont Rules of Criminal Procedure,  
19 and except as provided in subdivision (2) of this subsection, a law enforcement  
20 officer may arrest a person without a warrant when the officer has probable

1 cause to believe the person without just cause has failed to appear at a  
2 specified time and place in connection with a prosecution for an offense or has  
3 violated a condition of release relating to a restriction on travel or a condition  
4 of release that he or she not directly contact, harass, or cause to be harassed a  
5 victim or potential witness.

6 (2) Notwithstanding subdivision (1) of this subsection, if a person fails  
7 to appear at a specified time and place in connection with a prosecution for an  
8 offense because the person is receiving treatment in an inpatient setting for a  
9 mental condition or a substance abuse disorder:

10 (A) no arrest warrant shall be issued for the person because of the  
11 failure to appear until after the person has completed the inpatient treatment;  
12 and

13 (B) a law enforcement officer shall not arrest the person because of  
14 the failure to appear until after the person has completed the inpatient  
15 treatment.

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on passage.