

1 H.553

2 Introduced by Representative Wizowaty of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; bail and recognizances

6 Statement of purpose of bill as introduced: This bill proposes to amend the
7 types of conditions that can be set by the judicial officer at a bail hearing to:
8 (1) limit the requirement of release to a responsible adult to those defendants
9 under 18; and (2) require the judicial officer to make findings on the record as
10 to why conditions that restrict otherwise legal behavior by the defendant are
11 necessary to assure appearance or protect the public.

12 An act relating to bail conditions

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

14 Sec. 1. 13 V.S.A. § 7554 is amended to read:

15 § 7554. RELEASE PRIOR TO TRIAL

16 (a) Any person charged with an offense, other than a person held without
17 bail under section 7553 or 7553a of this title, shall at his or her appearance
18 before a judicial officer be ordered released pending trial in accordance with
19 this section.

1 (1) The person shall be ordered released on personal recognizance or
2 upon the execution of an unsecured appearance bond in an amount specified by
3 the judicial officer unless the judicial officer determines that such a release will
4 not reasonably assure the appearance of the person as required. In determining
5 whether the person presents a risk of nonappearance, the judicial officer shall
6 consider, in addition to any other factors, the seriousness of the offense
7 charged and the number of offenses with which the person is charged. If the
8 officer determines that such a release will not reasonably assure the appearance
9 of the person as required, the officer shall, either in lieu of or in addition to the
10 above methods of release, impose the least restrictive of the following
11 conditions or the least restrictive combination of the following conditions
12 which will reasonably assure the appearance of the person as required:

13 (A) Place the person in the custody of a designated person or
14 organization agreeing to supervise him or her if the person is under 18 years
15 of age.

16 (B) Place restrictions on the travel, association, or place of abode of
17 the person during the period of release, provided that the officer shall make
18 findings on the record as to why conditions restricting otherwise legal activity
19 are necessary to reasonably assure the appearance of the person.

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