

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

18
19

H.607

Introduced by Representatives Wizowaty of Burlington, Buxton of Tunbridge,
Davis of Washington, Deen of Westminster, Donovan of
Burlington, Edwards of Brattleboro, French of Shrewsbury,
French of Randolph, Lippert of Hinesburg, Malcolm of Pawlet,
Moran of Wardsboro, Mrowicki of Putney, Pearson of
Burlington, Ram of Burlington and Zagar of Barnard

Referred to Committee on

Date:

Subject: Corrections; out-of-state correctional facilities

Statement of purpose: This bill proposes to: prohibit the transfer of Vermont
inmates to privately owned or operated out-of-state correctional facilities;
ensure that no Vermont inmate is assigned to a public out-of-state correctional
facility unless living conditions at that facility meet or exceed those in
Vermont; create parole eligibility for persons over the age of 55; and allow
inmates working or participating in treatment or training programs to earn
day-for-day credit.

An act relating to transferring an inmate to an out-of-state correctional
facility

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

2 Sec. 1. POLICY; PURPOSE

3 The general assembly recognizes that it is a long-standing goal of the state
4 of Vermont to decrease the utilization of out-of-state correctional facilities.
5 Since 2009, the department of corrections has reduced the number of inmates
6 placed in out-of-state facilities by almost 25 percent. The general assembly
7 commends the department for its ongoing efforts, but recognizes that more
8 work needs to be done to eliminate the need to send Vermont inmates to
9 out-of-state facilities. The purpose of this bill is to provide a framework for
10 first reducing and then eliminating the state's reliance on out-of-state
11 correctional facilities.

12 Sec. 2. PRIVATE CORRECTIONAL FACILITIES PROHIBITED

13 (a) As of July 1, 2013, all Vermont inmates shall be incarcerated in
14 correctional facilities that are owned and operated by the federal, state, or local
15 government ("public").

16 (b) In anticipation of subsection (a) of this section, fall 2012 bids for
17 contracts between the department and out-of-state facilities shall be:

18 (1) solicited from public facilities that are accredited by both the
19 American Correctional Association and the National Committee on
20 Correctional Health Care.

1 to the joint committee on corrections oversight, the committee on corrections
2 and institutions, and the house and senate committees on judiciary.

3 (b) The commissioner may transfer any inmate committed to his or her
4 custody to a public out-of-state correctional facility, provided that the
5 commissioner first determines that the out-of-state correctional facility meets
6 or exceeds the standards adopted in accordance with subsection (a) of this
7 section of the in-state correctional facility to which the inmate would otherwise
8 have been assigned, and that the out-of-state facility remains accredited by
9 both the American Correctional Association and the National Committee on
10 Correctional Health Care (“accreditation”).

11 (c) If the commissioner determines that an out-of-state correctional facility
12 housing Vermont inmates fails at any time to maintain its accreditation or meet
13 the standards adopted in accordance with subsection (a) of this section, he or
14 she shall transfer all Vermont inmates from that facility.

15 Sec. 5. REPORT

16 On or before September 15, 2012, the department shall report to the joint
17 committee on corrections oversight, the nonviolent misdemeanor sentencing
18 review committee, the house and senate committees on judiciary, the house
19 committee on corrections and institutions, and the senate committee on
20 institutions on how it will eliminate all out-of-state placements within three
21 years. This report may include a plan or plans for reducing the number of

1 nonviolent offenders in jail or replacing or improving existing facilities. The
2 department shall also submit the estimated costs and anticipated savings for
3 each plan submitted.

4 Sec. 6. 28 V.S.A. § 501 is amended to read:

5 § 501. ELIGIBILITY FOR PAROLE CONSIDERATION

6 An inmate who is serving a sentence of imprisonment shall be eligible for
7 parole consideration as follows:

8 (1) If the inmate's sentence has no minimum term or a zero minimum
9 term, the inmate shall be eligible for parole consideration within 12 months
10 after commitment to a correctional facility.

11 (2) If the inmate's sentence has a minimum term, the inmate shall be
12 eligible for parole consideration after the inmate has served the minimum term
13 of the sentence except that:

14 (A) An offender 55 years of age or older but under the age of 65 who
15 has served ten years but has not served the minimum term of the sentence shall
16 be eligible for parole consideration.

17 (B) An offender 65 years of age or older who has served five years
18 but has not served the minimum term of the sentence shall be eligible for
19 parole consideration.

1 Sec. 7. 28 V.S.A. § 502a(a) is amended to read:

2 (a) ~~No~~ Except as provided in section 501 of this chapter, no inmate serving
3 a sentence with a minimum term shall be released on parole until the inmate
4 has served the minimum term of the sentence, less any reductions for good
5 behavior.

6 Sec. 8. 28 V.S.A. § 811 is amended to read:

7 § 811. ~~WORK CAMPS; REDUCTION OF TERM~~

8 (a) ~~A reduction of up to 30 days in the minimum and maximum terms of~~
9 ~~confinement may be made in accordance with a policy established by the~~
10 ~~director of a work camp in which an inmate is confined~~ Each inmate sentenced
11 to imprisonment and committed to the custody of the commissioner for a fixed
12 term or terms and who participates in a treatment, educational, or training
13 program or in work approved by the department, including confinement to a
14 work camp, shall earn a day-for-day reduction in the minimum and maximum
15 terms of confinement for each month during which the inmate demonstrates,
16 beyond the level normally expected, consistent program performance or
17 meritorious work performance.

18 (b) The department shall develop and publish criteria for evaluating and
19 approving the treatment programs and work described in subsection (a) of this
20 section. Criteria shall give priority to nonprofit organizations and treatment

1 programs with a demonstrated capacity to reduce recidivism or provide another
2 specific benefit to inmates.

3 Sec. 9. REDUCTION OF TERM; AWARDS

4 (a) Sec. 8 of this act shall apply only to work performed or participation in
5 programs on or after July 1, 2012.

6 (b) Pursuant to 13 V.S.A. § 5305, the department shall notify victims of the
7 impact this act has on the minimum and maximum terms of incarceration of all
8 affected inmates. The department shall also provide notice to each inmate
9 regarding the impact this section has on that inmate's minimum and maximum
10 terms of incarceration.

11 Sec. 10. EFFECTIVE DATES

12 This act shall take effect on July 1, 2012, except Sec. 3 (powers of the
13 commissioner) of this act, which shall take effect on July 1, 2013.