

1 S.1

2 Introduced by Senator Ashe

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; judgment, sentence, and execution;

6 sentencing alternatives; financial cost

7 Statement of purpose: This bill proposes to require judges to consider the

8 approximate financial cost of available sentences prior to issuing a sentence.

9 An act relating to consideration of financial cost of criminal sentencing
10 options

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

12 ~~Sec. 1. 13 V.S.A. § 7030 is amended to read.~~

13 ~~§ 7030. SENTENCING ALTERNATIVES~~

14 ~~(a) In determining which of the following should be ordered, the court shall~~
15 ~~consider the nature and circumstances of the crime, the history and character of~~
16 ~~the defendant, the need for treatment, the approximate financial cost of~~
17 ~~available sentences, and the risk to self, others, and the community at large~~
18 ~~presented by the defendant:~~

19 ~~(1) A deferred sentence pursuant to section 7041 of this title.~~

- 1 ~~(2) Referral to a community reparative board pursuant to 28 V.S.A.~~
2 chapter 12 in the case of an offender who has pled guilty to a nonviolent
3 felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the
4 subject areas prohibited for referral to a community justice center under
5 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this
6 subdivision does not require the court to place the offender on probation. The
7 offender shall return to court for further sentencing if the reparative board does
8 not accept the case or if the offender fails to complete the reparative board
9 program to the satisfaction of the board in a time deemed reasonable by the
10 board.
- 11 (3) Probation pursuant to 28 V.S.A. § 205.
- 12 (4) Supervised community sentence pursuant to 28 V.S.A. § 352.
- 13 (5) Sentence of imprisonment.
- 14 (b) When ordering a sentence of probation, the court may require
15 participation in the restorative justice program established by 28 V.S.A.
16 chapter 12 as a condition of the sentence.
- 17 (c) The Department of Corrections shall develop and maintain a database
18 on the approximate daily, monthly, and annual costs of individual sentences,
19 including incarceration, probation, deferred sentence, supervised community
20 sentence, participation in the restorative justice program, and any other

1 ~~possible sentence. The database information shall be made available to the~~
2 ~~courts for the purposes of subsection (a) of this section.~~

3 Sec. 2. EFFECTIVE DATE

4 ~~This act shall take effect on July 1, 2013.~~

Sec. 1. CRIMINAL JUSTICE CONSENSUS COST-BENEFIT WORKING GROUP

(a)(1) A Criminal Justice Consensus Cost-Benefit Working Group is established to develop collaboratively a criminal and juvenile justice cost-benefit model for Vermont for the purpose of providing policymakers with the information necessary to weigh the pros and cons of various strategies and programs, and enable them to identify options that are not only cost-effective, but also have the greatest net social benefit. The model will be used to estimate the costs related to the arrest, prosecution, defense, adjudication, and correction of criminal and juvenile defendants, and victimization of citizens by defendants.

(2) The Working Group shall:

(A) develop estimates of costs associated with the arrest, prosecution, defense, adjudication, and correction of criminal and juvenile defendants in Vermont by using the cost-benefit methodology developed by the Washington State Institute for Public Policy and currently used collaboratively by the Joint Fiscal Office and the PEW Charitable Trust for the Vermont Results First Project;

(B) estimate costs incurred by citizens who are the victims of crime by using data from the Vermont Center of Crime Victim Services, supplemented where necessary with national survey data;

(C) assess the quality of justice data collection systems and make recommendations for improved data integration, data capture, and data quality as appropriate;

(D) develop a throughput model of the Vermont criminal and juvenile justice systems which will serve as the basic matrix for calculating the cost and benefit of Vermont justice system programs and policies;

(E) investigate the utility of making the Working Group an ongoing entity within state government which would be responsible for:

(i) revising the statewide cost benefit model in light of legislative or policy changes, or both, in the criminal or juvenile justice systems;

(ii) updating cost estimates; and

(iii) updating throughput data for the model.

(3) The Working Group shall be convened and staffed by the Vermont Center for Justice Research.

(4) The costs associate with staffing the Working Group shall be underwritten through December 31, 2013 by funding previously obtained by the Vermont Center for Justice Research from the Bureau of Justice Statistics, U.S. Department of Justice.

(b) The Working Group shall be composed of the following members:

(1) The Administrative Judge or designee.

(2) The Chief Legislative Fiscal Officer or designee.

(3) The Attorney General or designee.

(4) The Commissioner of Corrections or designee.

(5) The Commissioner for Children and Families or designee.

(6) The Executive Director of State's Attorneys and Sheriffs or designee.

(7) The Defender General or designee.

(8) The Commissioner of Public Safety or designee.

(9) The Director of the Vermont Center for Crime Victim Services or designee.

(10) The President of the Chiefs of Police Association of Vermont or designee.

(11) The President of the Vermont Sheriffs' Association or designee.

(12) The Director of the Vermont Center for Justice Research.

(c) On or before November 15, 2013, the Working Group shall report its preliminary findings to the Senate Committee on Judiciary, the House Committee on Judiciary, and the House Committee on Corrections and Institutions. The Working Group shall issue a final report to the General Assembly on or before January 1, 2014.

Sec. 2. 13 V.S.A. § 7030 is amended to read:

§ 7030. SENTENCING ALTERNATIVES

(a)(1) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime, the history and character of the defendant, the need for treatment, and the risk to self, others, and the community at large presented by the defendant:

~~(1)(A)~~ *A deferred sentence pursuant to section 7041 of this title.*

~~(2)(B)~~ *Referral to a community reparative board pursuant to 28 V.S.A. chapter 12 in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this subdivision does not require the court to place the offender on probation. The offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.*

~~(3)(C)~~ *Probation pursuant to 28 V.S.A. § 205.*

~~(4)(D)~~ *Supervised community sentence pursuant to 28 V.S.A. § 352.*

~~(5)(E)~~ *Sentence of imprisonment.*

~~(2)(A)~~ *In determining a sentence upon conviction for a nonviolent misdemeanor or a nonviolent felony, in addition to the factors identified in subdivision (a)(1) of this section, the court shall consider the approximate financial cost of available sentences.*

~~(B)~~ *The Department of Corrections shall develop and maintain a database on the approximate costs of sentences, including incarceration, probation, deferred sentence, supervised community sentence, participation in the Restorative Justice Program, and any other possible sentence. The database information shall be made available to the courts for the purposes of this subdivision (a)(2).*

~~(b)~~ *When ordering a sentence of probation, the court may require participation in the ~~restorative justice program~~ Restorative Justice Program established by 28 V.S.A. chapter 12 as a condition of the sentence.*

Sec. 3. 13 V.S.A. § 15 is added to read:

§ 15. NONVIOLENT MISDEMEANOR AND NONVIOLENT FELONY DEFINED

As used in this title:

(1) "Nonviolent felony" means a felony offense which is not a listed crime as defined in section 5301 of this title or an offense listed in chapter 64 of this title (sexual exploitation of children).

(2) "Nonviolent misdemeanor" means a misdemeanor offense which is not a listed crime as defined in section 5301 of this title or an offense listed in

chapter 64 of this title (sexual exploitation of children) or section 1030 of this title (violation of a protection order).

Sec. 4. EFFECTIVE DATES

(a) Sec. 1 of this act and this section shall take effect on passage.

(b) Secs. 2 and 3 of this act shall take effect on March 1, 2014.