

1 S.116

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Corrections; public defenders

6 Statement of purpose of bill as introduced: This bill proposes to make various
7 changes to laws related to the rights of offenders in custody of the Department
8 of Corrections.

9 An act relating to rights of offenders in the custody of the Department of
10 Corrections

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

12 * * * Parole Board Independence * * *

13 Sec. 1. 28 V.S.A. § 456 is added to read:

14 § 456. PAROLE BOARD INDEPENDENCE

15 (a) The Parole Board shall be an independent and impartial body.

16 (b) The Parole Board shall not be counseled or represented by any attorney
17 who, at the same time, has:

18 (1) an attorney-client relationship with the Department of
19 Corrections; or

1 provided in subdivision 204a(b)(5) and section 205 of this title, is privileged
2 and shall not be disclosed to anyone outside the Department other than the
3 judge or the Parole Board, ~~except that:~~

4 (2)(A) the The court or Board ~~may in its discretion~~ shall permit the
5 inspection of the report, ~~or parts thereof~~ redacted of information that may
6 compromise the safety or confidentiality of a victim or witness, by the State's
7 Attorney, and by the defendant or inmate, or his or her attorney, ~~or;~~ and

8 (B) the court or Board may in its discretion permit the inspection of
9 the report or parts thereof by other persons having a proper interest therein,
10 whenever the best interest or welfare of the defendant or inmate makes that
11 action desirable or helpful.

12 (3) Nothing in this section shall prohibit the Department for Children
13 and Families from accessing the supervision history of probationers or parolees
14 for the purpose of child protection.

15 * * *

16 Sec. 4. 28 V.S.A. § 601 is amended to read:

17 § 601. POWERS AND RESPONSIBILITIES OF THE SUPERVISING
18 OFFICER OF EACH CORRECTIONAL FACILITY

19 The supervising officer of each facility shall be responsible for the efficient
20 and humane maintenance and operation and for the security of the facility,
21 subject to the supervisory authority conferred by law upon the Commissioner.

1 Each supervising officer is charged with the following powers and
2 responsibilities:

3 * * *

4 (10) To establish and maintain, in accordance with such rules and
5 regulations as are established by the Commissioner, a central file at the facility
6 containing an individual file for each inmate. Except as otherwise may be
7 indicated by the rules and regulations of the Department, the content of the file
8 of an inmate shall be confidential and shall not be subject to public inspection
9 except by court order for good cause shown ~~and shall not be accessible to~~
10 ~~inmates at the facility.~~ Information that may compromise the safety or
11 confidentiality of a victim or witness shall be redacted from a file prior to
12 inspection by an inmate. Except as otherwise provided by law, the contents of
13 an inmate's file may be inspected, pursuant to a court order issued ex parte, by
14 a ~~state~~ State or federal prosecutor as part of a criminal investigation if the court
15 finds that the records may be relevant to the investigation. The information in
16 the files may be used for any lawful purpose but shall not otherwise be made
17 public.

