

1 S.196

2 Introduced by Senators Hashim, Gulick, Harrison, Kitchel, MacDonald,

3 Perchlik, Watson, Williams and Wrenner

4 Referred to Committee on Judiciary

5 Date: January 3, 2024

6 Subject: Crimes; criminal procedure; bail; admissibility of evidence

7 Statement of purpose of bill as introduced: This bill proposes to ensure that
8 “weight of the evidence” hearings proceed in the same manner and with the
9 same evidence that is permitted in other bail hearings. Specifically, this bill
10 proposes to permit evidence through sworn oral or recorded statements that
11 can be used in addition to live testimony.

12 An act relating to the types of evidence permitted in weight of the evidence
13 hearings

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

15 Sec. 1. 13 V.S.A. § 7553a is amended to read:

16 § 7553a. ACTS OF VIOLENCE; DENIAL OF RELEASE ON BAIL

17 (a) A person charged with an offense that is a felony, an element of which
18 involves an act of violence against another person, may be held without bail
19 when the evidence of guilt is great and the court finds, based upon clear and
20 convincing evidence, that the person’s release poses a substantial threat of

1 physical violence to any person and that no condition or combination of
2 conditions of release will reasonably prevent the physical violence.

3 (b) Information stated in, or offered in connection with, any order entered
4 pursuant to this section need not conform to the rules pertaining to the
5 admissibility of evidence in a court of law. Nothing in this subsection shall be
6 construed to alter the existing standard applied to determine whether evidence
7 of guilt is great under this section.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2024.