

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 112  
3 entitled “An act relating to good time” respectfully reports that it has  
4 considered the same and recommends that the bill be amended by striking out  
5 all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. FINDINGS

7 The General Assembly finds that:

8 (1) For nearly 40 years, Vermont had a system of statutory good time  
9 that permitted offenders to receive reductions in their sentences for  
10 maintaining good behavior and participating in programming while in the  
11 custody of the Commissioner of Corrections. This good time system was  
12 repealed in 2005.

13 (1) In 2018, the General Assembly directed the Commissioner of  
14 Corrections, in consultation with the Chief Superior Judge, the Attorney  
15 General, the Executive Director of the Department of Sheriffs and State’s  
16 Attorneys, and the Defender General, to submit a report (the Report) to the  
17 Legislature on the advisability and feasibility of reinstating a system of  
18 earned good time for persons under Department of Corrections supervision.  
19 The Report was filed on November 15, 2018.

20 (2) In the Report, the Commissioner found that:

1           (A) empirical studies show that earned good time is effective at  
2 prison population management, has little to no community impact or effect on  
3 public safety, and is perceived by correctional administrators as having a  
4 positive impact on facility control;

5           (B) earned good time reduces incarceration costs by an amount  
6 ranging from \$1,800.00 to \$5,500.00 per inmate, depending on the number of  
7 days an inmate’s sentence is reduced; and

8           (C) although research is mixed, studies show that earned good time  
9 can result in a crime rate reduction of 1–3.5 percent.

10           (3) On the basis of the Report’s findings, the Commissioner concluded  
11 that the Department should “reinstitute a program of earned good time for  
12 sentenced inmates and individuals on furlough.”

13           (4) In order to reduce the State’s prison population by reintegrating  
14 offenders into the community while maintaining public safety, a system of  
15 earned good time should be reinstated in Vermont as soon as possible.

16           Sec. 2. 28 V.S.A. § 818 is added to read:

17           § 818. EARNED GOOD TIME; REDUCTION OF TERM

18           (a) On or before January 1, 2020, the Department shall file a proposed rule  
19 implementing an earned good time program.

20           (b) The earned good time program implemented pursuant to this section  
21 shall comply with the following standards:

1           (1) The program shall be available for all eligible offenders under the  
2           supervision of the Department, including furloughed offenders, who have been  
3           sentenced and committed to the custody of the Commissioner for a term of  
4           more than one year.

5           (2) The program shall be a merit-based system designed to incentivize  
6           offenders to participate in activities that prepare them for reentry. The  
7           program shall provide for reductions in the offender's term of supervision for  
8           periods during which the offender has participated in treatment, counseling,  
9           education, or vocational training or complied with other requirements  
10           identified by the Department to meet the offender's needs.

11           (3) The Department shall provide timely written notice each month to  
12           the offender any time the offender receives a reduction in his or her term of  
13           supervision pursuant to this section, and the Department shall maintain a  
14           system that documents and records all such reductions in each offender's  
15           permanent file.

16           Sec. 2. EFFECTIVE DATE

17           This act shall take effect on passage.

18           (Committee vote: \_\_\_\_\_)

19           \_\_\_\_\_  
20           Senator \_\_\_\_\_

21           FOR THE COMMITTEE