

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: S.171 Name of Bill: Crimes and Criminal Procedure; bail and recognizance; pretrial

Agency/ Dept: AHS/DOC Author of Bill Review: Annie Ramniceanu

Date of Bill Review: 5/19/2016

Related Bills and Key Players : Act 195; Sec. 1. 13 VSA 7554c;
Annie Ramniceanu, Director of Pretrial Services; Judge Gearson, Superior
Judge.

Status of Bill: (check one): ☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** The bill proposes to clarify: the eligible populations; the language used to identify risk assessments/ needs screening versus clinical assessments; who receives the risk assessment scores and needs screening summaries; and that needs screening and risk assessment are always voluntary. Additionally, the purpose of the bill was also to clarify several of the conditions of release that can be ordered at arraignment. The current lack of clarity in regard to these issues is creating confusion and is having an impact on implementation.
2. **Is there a need for this bill?** There is a need for this bill in order to achieve the intended vision of 7554c.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** There are no foreseeable fiscal or programmatic implications for this bill and the Department of Corrections.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** Programmatically, the Judiciary may be impacted by this bill. They are also interested in clarification and they have been involved with DOC in developing the solutions posed by this bill. Fiscally, this is expected to have no unintended impact and/or it will have the impact originally desired as an outcome of 7554c.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** The fiscal implications for others- which would be the eligible population, would be negligible. Programmatic implications may be that the number of eligible individuals could increase.
6. **Other Stakeholders:**
 - 6.1 **Who else is likely to support the proposal and why?** Judiciary would support this proposal because it clarifies their discretion and authority.
 - 6.2 **Who else is likely to oppose the proposal and why?** There are no other parties who may oppose the proposal.

Please return this bill review as a Microsoft Word document to Jahala.Dudley@vermont.gov & Jessica.Mishaan@vermont.gov

7. Rationale for recommendation: The rationale for the recommendation is that the eligible populations were overly complex; did not capture individuals who may be most in need of screening and who may most benefit from Precharge intervention. And that the Judiciary had different interpretations of what could be ordered as a condition of release.

8. Specific modifications that would be needed to recommend support of this bill: None.

9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? No.

Secretary/Commissioner has reviewed this document: Commissioner Menard

Date: 5/19/2016