

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

**Bill Number:** H.617 **Name of Bill:** An act relating to probation, parole, and furlough conditions

**Agency/Dept:** DPS/VSP **Author of Bill Review:** Lieutenant Daniel Trudeau, Vermont State Police

**Date of Bill Review:** January 26, 2016 **Related Bills and Key Players:** Representatives Burke and Rachelson

**Status of Bill: (check one)**

☒ **Upon Introduction** ☐ **As passed by 1<sup>st</sup> body** ☐ **As passed by both bodies**

**Recommended Position:**

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

**Analysis of Bill**

- Summary of bill and issue it addresses.** *The bill proposes to limit the imposition of conditions of probation, parole, and furlough to restrict otherwise legal behavior of the person under supervision and to prohibit revocation of probation, parole, and furlough for technical violations that are not new crimes.*
- Is there a need for this bill?** *Yes and no. It appears that the bill is possibly being introduced as a measure to potentially reduce incarceration numbers by restricting probation/parolee condition violations (criminal justice reform movement). Reducing jail population may be necessary to some extent, but the language in which this bill has been introduced limits the ability to hold probationers and parolees accountable and to protect victims and the public.*
- What are likely to be the fiscal and programmatic implications of this bill for this Department?** *There will not be any fiscal implications.*
- 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?** *Less probation violations and inmates in jails would result in a reduction in the DOC budget, but I suspect that their interest is more geared towards protecting victims, potential victims, the public, and reducing the risks of re-offense than it is on saving money.*
- What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc) I don't believe the general public would be in favor of a probation and parole system in which there are not suitable terms or conditions to protect the victims and general public from future victimization. The general public would also likely not find it favorable that a violation of the parolee or probationer conditions is not arrestable unless it's a new crime.*

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?** *Defense attorneys, defendants would be in support of this proposal for reasons that there are fewer and less restrictive probation or parole violations. Those who have a strong opinion that probationers are treated unlawfully and that jails are overcrowded would likely support the proposal.*

**6.2 Who else is likely to oppose the proposal and why?** *The Department of Corrections (Probation and Parole), Parole Board, State's Attorneys, Victim's Advocates, and victims of crimes would possibly oppose. Based on my research, it appears many State's Attorneys would like the opportunity to offer suggestions or recommend modifications to this reform movement.*

- 7. Rationale for recommendation:** *As the bill has been introduced it would lessen the ability for conditions on probationers and parolees to be effective or hold them accountable. The introduced bill appears to be getting away from the intent of probation and parole, which is to protect victims, potential victims, the public and to deter re-offense. The bill proposes to not allow the arrest of probationers or parolees for violating conditions unless they are being charged with a new crime. Based on this rationale, if a person was on probation for a domestic or sexual assault offense and they contacted or harassed the victim of that crime then they aren't even subject to an immediate arrest unless they have committed a new offense. This is unsettling for victims of sexual or domestic assaults and also handicaps law enforcement from making an immediate arrest when they respond to a situation where a probationer or parolee has not committed a new crime but are still yet engaging the victim to some degree. Though the probationer may at some point receive a violation during that situation there is nothing that could be done immediately to protect the victim or prohibit any continued behavior.*
- 8. Specific modifications that would be needed to recommend support of this bill:** *There can be modifications made to this bill that could both limit some of the unnecessary conditions, but at the same time hold the probationer/parolee accountable for their actions. Ideally modifications that allow an immediate arrest for certain conditions (not all, but at the very least victim related ones) and not just a new criminal offense.*
- 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**



**Date: 2/1/16**