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H.88

Introduced by Representatives Bos-Lun of Westminster, Anthony of Barre  
City, Bluemle of Burlington, Burrows of West Windsor,  
Campbell of St. Johnsbury, Chase of Chester, Christie of  
Hartford, Cina of Burlington, Cordes of Lincoln, Dodge of  
Essex, Garofano of Essex, Goldman of Rockingham, Graning of  
Jericho, Headrick of Burlington, LaBounty of Lyndon, Leavitt  
of Grand Isle, Masland of Thetford, McGill of Bridport,  
Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Pajala of  
Londonderry, Priestley of Bradford, Roberts of Halifax, Sims of  
Craftsbury, Small of Winooski, Stebbins of Burlington,  
Surprenant of Barnard, Troiano of Stannard, and White of  
Bethel

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; bail

Statement of purpose of bill as introduced: This bill proposes to prohibit the  
imposition of cash bail in cases where the defendant has been charged with a  
misdemeanor, to require criminal justice stakeholders to develop  
recommendations to eliminate cash bail, to require the Department of  
Corrections to report racial data on pretrial detainees, and to require the

1 Judiciary to establish and implement a system to notify persons charged with a  
2 criminal offense of upcoming court hearings.

3 An act relating to reducing the imposition of cash bail

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

5 Sec. 1. 13 V.S.A. § 7551 is amended to read:

6 § 7551. IMPOSITION OF BAIL, SECURED APPEARANCE BONDS, AND  
7 APPEARANCE BONDS

8 (a) Bonds; generally. A bond given by a person charged with a criminal  
9 offense or by a witness in a criminal prosecution under section 6605 of this  
10 title, conditioned for the appearance of the person or witness before the court  
11 in cases where the offense is punishable by fine or imprisonment, and in  
12 appealed cases, shall be taken to the Criminal Division of the Superior Court  
13 where the prosecution is pending and shall remain binding upon parties until  
14 discharged by the court or until sentencing. The person or witness shall appear  
15 at all required court proceedings.

16 (b) Limitation on imposition of bail, secured appearance bonds, and  
17 appearance bonds.

18 (1) Except as provided in subdivision (2) of this subsection, no bail,  
19 secured appearance bond, or appearance bond may be imposed:

1 (A) at the initial appearance of a person charged with a misdemeanor  
2 if the person was cited for the offense in accordance with Rule 3 of the  
3 Vermont Rules of Criminal Procedure; or

4 (B) at the initial appearance or upon the temporary release pursuant  
5 to Rule 5(b) of the Vermont Rules of Criminal Procedure of a person charged  
6 with a ~~violation of a~~ misdemeanor offense ~~that is eligible for expungement~~  
7 ~~pursuant to subdivision 7601(4)(A) of this title.~~

8 (2) ~~In the event the court finds that imposing bail is necessary to~~  
9 ~~mitigate the risk of flight from prosecution for a person charged with a~~  
10 ~~violation of a misdemeanor offense that is eligible for expungement pursuant~~  
11 ~~to subdivision 7601(4)(A) of this title, the court may impose bail in a~~  
12 ~~maximum amount of \$200.00.~~

13 (3) This subsection shall not be construed to restrict the court's ability to  
14 impose conditions on such persons to reasonably mitigate the risk of flight  
15 from prosecution or to reasonably protect the public in accordance with section  
16 7554 of this title.

17 Sec. 2. PROPOSAL TO ELIMINATE CASH BAIL

18 The Office of the Attorney General, the Office of the Defender General, the  
19 Department of State's Attorneys and Sheriffs, the Judiciary, the Center for  
20 Crime Victim Services, and the Vermont Network Against Domestic and  
21 Sexual Violence shall work collaboratively to identify the conditions that

1 would be required to move toward the elimination of the use of cash bail for  
2 the purpose of mitigating risk of flight from prosecution and develop a  
3 proposal to eliminate cash bail in Vermont. These stakeholders shall report  
4 their findings and recommendations to the General Assembly on or before  
5 December 1, 2023.

6 Sec. 3. COLLECTION OF RACE DATA FOR PRETRIAL DETAINEES

7 The Department of Corrections shall collect data on the race of pretrial  
8 detainees held in Vermont prisons. This data shall be included in any detainee  
9 data reports required of the Department either through statute or upon request  
10 by the General Assembly.

11 Sec. 4. JUDICIARY; NOTICES OF HEARINGS

12 (a) To reduce the instances of failure to appear by persons who are charged  
13 with a criminal offense, on or before July 1, 2025, the Judiciary shall establish  
14 and implement a system to electronically notify such persons of upcoming  
15 required court appearances.

16 (b) On or before December 1, 2023, the Judiciary shall report to the  
17 General Assembly any requests for legislation or monies necessary to fund the  
18 system identified in subsection (a) of this section.

19 (c) On or before December 1, 2026, the Judiciary shall report to the  
20 General Assembly on the efficacy of the notification system.

1       Sec. 5. EFFECTIVE DATES

2           (a) This section and Secs. 2–4 shall take effect on passage.

3           (b) Sec. 1 shall take effect on July 1, 2025.