

1 H.438

2 Introduced by Representatives Cina of Burlington, Cole of Hartford, Elder of  
3 Starksboro, Headrick of Burlington, LaMont of Morristown,  
4 Logan of Burlington, McCann of Montpelier, McGill of  
5 Bridport, Mulvaney-Stanak of Burlington, Priestley of  
6 Bradford, Sims of Craftsbury, Small of Winooski, Stebbins of  
7 Burlington, and Surprenant of Barnard

8 Referred to Committee on

9 Date:

10 Subject: Corrections; anti-recidivism; workforce development

11 Statement of purpose of bill as introduced: This bill proposes to create a  
12 working group to develop a plan to replace the State's correctional facilities  
13 with a public system of community supports grounded in restorative justice  
14 principles that are available to all justice-involved individuals, beginning with  
15 the Chittenden County Correctional Facility.

16 An act relating to a working group to develop a plan to eliminate  
17 incarceration

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

19 Sec. 1. FINDINGS

20 The General Assembly finds that:

1           (1) Based on the most recent available data, 42.6 percent of individuals  
2           sentenced to incarceration in Vermont recidivate over a three-year period after  
3           release.

4           (2) As of 2004, 43.3 percent of individuals sentenced to incarceration in  
5           the United States recidivate over a three-year period after release.

6           (3) Historically, Vermont spends approximately \$113,000.00 annually  
7           to incarcerate an individual. In 2023, the Department of Corrections is  
8           expected to spend \$184,465,267.00 on in-state incarcerations.

9           (4) Incarceration contributes to further social harm and does not  
10          effectively rehabilitate individuals sentenced to incarceration.

11          (5) Vermont can reduce criminal behavior by investing in social  
12          determinants surrounding housing, education, workforce, health care, nutrition,  
13          and substance use and other mental health disorders by increasing access to  
14          community-based services to justice-involved individuals rather than by  
15          incarcerating them in environments that cause greater social harm.

16          (6) Vermont can reduce the social harm and trauma experienced by the  
17          Department of Corrections' workforce by creating new job opportunities and  
18          connecting correctional employees to existing careers providing community-  
19          based services.

20          (7) Norway's recidivism rates have decreased from 70 percent in 1997  
21          to 20 percent in 2020 through correctional reforms focused entirely on

1 rehabilitation and restoration to the community. These reforms and outcomes  
2 include:

3 (A) A typical maximum prison sentence of 21 years, rather than life  
4 in prison.

5 (B) An average prison sentence in Norway of about eight months.

6 (C) Ninety percent of Norwegian prisoners are incarcerated for less  
7 than a year.

8 (D) Norwegian prisons are structured to provide as much cohesion  
9 with the community as possible while maintaining safety for all involved. This  
10 is achieved by:

11 (i) Guards participating in recreation activities alongside prisoners  
12 while being encouraged to think of prisoners as friends rather than threats.

13 (ii) Prisoners having access to educational, training, and work  
14 opportunities in the community.

15 (iii) Whenever possible, services such as health care are provided  
16 by the same professionals that serve the local community.

17 (iv) Prison cells are designed to treat prisoners with greater human  
18 dignity than the U.S. model by containing private bathrooms, televisions, and  
19 windows.

20 (v) Drug counseling and therapy are more comprehensive than  
21 traditionally offered in the U.S.

1                   (vi) An emphasis on interaction with friends and family outside  
2                   the prison that is absent from traditional U.S. correctional practices.

3                   (vii) Barring disciplinary problems, a prisoner can be visited three  
4                   times a week, with available private spaces for conjugal visits.

5                   (8) New York City has implemented “Alternatives to Incarceration”  
6                   programs and has seen a reduction in recidivism as a result. These court-  
7                   mandated programs provide participants with support services in their  
8                   communities rather than incarcerating these individuals.

9                   Sec. 2. PURPOSE

10                  The purpose of this act is to transform Vermont’s criminal justice and  
11                  correctional system by eliminating the need for State-funded and -operated  
12                  correctional facilities through the creation of a community-based system of  
13                  care and rehabilitation that reduces recidivism and promotes recovery for all  
14                  individuals that includes:

15                   (1) accessible, equitable, and localized services throughout the State;

16                   (2) secure and comprehensive housing for those in recovery and those at  
17                   risk of self-harm and harm to others;

18                   (3) stronger treatment, educational, and workforce training options  
19                   incorporated into localized and equitable residential programs;

1           (4) pathways to economic security by providing access to fair  
2           compensation opportunities, financial services, and capital for home ownership  
3           and small business development; and

4           (5) nurturing healthy relationships to assist persons whose actions have  
5           contributed to individual or community harm with repairing the harm caused  
6           by their actions and connecting with family and other community supports.

7           Sec. 3. JUST TRANSITION FROM INCARCERATION TO COMMUNITY  
8           CARE; WORKING GROUP; REPORT

9           (a) Creation. There is created the Just Transition Working Group to  
10           develop a plan to ensure the State of Vermont's just and equitable transition  
11           from a system of incarceration to a system of community-based investments in  
12           housing, education, workforce, health care, nutrition, and treatment services.  
13           The Working Group's objective is to replace the State's correctional facilities  
14           with a public system of community supports grounded in restorative justice  
15           principles that are available to all justice-involved individuals. The Working  
16           Group shall conduct its work through a lens of transformative justice  
17           employing restorative justice principles and trauma-informed approaches.

18           (b) Membership. The Working Group shall be composed of the following  
19           members:

20           (1) one current member of the House of Representatives, who shall be  
21           appointed by the Speaker of the House;

1           (2) one current member of the Senate, who shall be appointed by the

2           Committee on Committees;

3           (3) the Secretary of the Agency of Human Services or designee;

4           (4) the Commissioner of the Department of Labor or designee;

5           (5) the Chief Health Care Advocate of the Office of the Health Care  
6           Advocate or designee;

7           (6) the Executive Director of the Vermont Network Against Domestic  
8           and Sexual Violence or designee with lived experience in the criminal justice  
9           system;

10           (7) the President of the Vermont State Employees' Association or  
11           designee with experience working in the correctional system;

12           (8) an individual with lived experience with incarceration in the criminal  
13           justice system appointed by the Executive Director of the National Council for  
14           Incarcerated and Formerly Incarcerated Women and Girls;

15           (9) a former employee of the Department of Corrections appointed by  
16           the Vermont State Employees' Association;

17           (10) an individual with lived experience with incarceration in the  
18           criminal justice system appointed by Vermonters for Criminal Justice Reform;  
19           and

20           (11) an individual with lived experience with incarceration in the  
21           criminal justice system appointed by Vermont Works for Women; and

1           (12) an individual with lived experience with incarceration in the  
2           criminal justice system appointed by Mercy Connections.

3           (c) Powers and duties. The Working Group shall study and develop a plan  
4           to transition the State of Vermont from housing justice-involved individuals in  
5           a system of correctional facilities to rehabilitating those individuals through  
6           system of community-based supports grounded in restorative justice principles.

7           The study and plan shall:

8           (1) Identify contributing factors to individuals being incarcerated under  
9           the current system in Vermont.

10           (2) Identify any initiatives or programs that invest in community  
11           supports shown to be effective at reducing incarceration rates.

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13           current system in Vermont.

14           (4) Identify any initiatives or programs that invest in community  
15           supports grounded in restorative justice principles shown to be effective at  
16           reducing recidivism rates.

17           (5) Analyze the realignment of existing funding mechanisms related to  
18           incarceration to fully fund a system of community-based supports grounded in  
19           restorative justice principles to rehabilitate all the State's justice-involved  
20           individuals.

1           (6) Analyze the costs, benefits, and feasibility of developing small  
2           secure residential facilities for mixed populations of justice-involved  
3           individuals; and

4           (7) Develop a proposal for the Chittenden County Correctional Facility  
5           to participate in a program called the “Just Transition Pilot Project.” The Pilot  
6           Project shall:

7                   (A) identify the available community resources offered to the  
8                   residents of the Chittenden County Correctional Facility, and any gaps in  
9                   community resources offered, related to wraparound services upon release,  
10                  including resources related to transitional housing, educational opportunities,  
11                  workforce development, health care access, financial services, and mentorship  
12                  and peer support programs;

13                   (B) create a plan to release all residents of the Chittenden County  
14                  Correctional Facility on or before December 31, 2026 detailing the specific  
15                  housing needs of all residents, including higher-risk residents who require  
16                  secure housing and intensive wraparound services, and any community-based  
17                  services necessary to prevent recidivism and promote housing retention after  
18                  release;

19                   (C) create a plan to implement elements of the Just Transition Pilot  
20                  Project at the remaining State-funded and -operated correctional facilities to  
21                  facilitate their closure not later than December 31, 2030; and



1           (D) make recommendations for justice-involved youth needing  
2           secure residential treatment options.

3           (d) Assistance. The Working Group shall have the administrative and  
4           technical assistance of the Agency of Human Services and the legal assistance  
5           the Office of Legislative Counsel.

6           (e) Report. On or before December 15, 2023, the Working Group shall  
7           submit a written report to the Joint Legislative Justice Oversight Committee,  
8           the House Committees on Corrections and Intuitions, on Human Services, and  
9           on Judiciary, and the Senate Committees on Human Services and on Judiciary  
10          with its findings and any recommendations for legislative action.

11          (f) Meetings.

12           (1) The Chief Health Care Advocate of the Office of the Health Care  
13           Advocate or designee shall call the first meeting of the Working Group to  
14           occur on or before May 1, 2023.

15           (2) The Committee shall select a chair from among its members at the  
16           first meeting.

17           (3) A majority of the membership shall constitute a quorum.

18           (4) The Working Group shall cease to exist on December 31, 2023.

19          (g) Compensation and reimbursement.

20           (1) For attendance at meetings during adjournment of the General  
21           Assembly, a legislative member of the Working Group serving in capacity as a

1 legislator shall be entitled to per diem compensation and reimbursement of  
2 expenses pursuant to 2 V.S.A. § 23 for not more than seven meetings. These  
3 payments shall be made from monies appropriated to the General Assembly.

4 (2) Other members of the Working Group shall be entitled to per diem  
5 compensation and reimbursement of expenses as permitted under 32 V.S.A.  
6 § 1010 for not more than seven meetings. These payments shall be made from  
7 monies appropriated to Agency of Human Services.

8 Sec. 4. EFFECTIVE DATE

9 This act shall take effect on passage.