

1 H.554

2 Introduced by Representative Wizowaty of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; sentencing

6 Statement of purpose of bill as introduced: This bill proposes to permit a court
7 to suspend all or part of a fine conditioned on the defendant's completion of
8 court-approved programming and to require a court to state on the record or in
9 writing why a term of incarceration or probation is appropriate for sentencing a
10 defendant for a nonviolent misdemeanor.

11 An act relating to sentencing alternatives

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

13 Sec. 1. 13 V.S.A. § 7030 is amended to read:

14 § 7030. SENTENCING ALTERNATIVES

15 (a) In determining which of the following should be ordered, the ~~court~~
16 Court shall consider the nature and circumstances of the crime, the history and
17 character of the defendant, the need for treatment, and the risk to self, others,
18 and the community at large presented by the defendant:

19 (1) A deferred sentence pursuant to section 7041 of this title.

1 (2) Referral to a community reparative board pursuant to 28 V.S.A.
2 chapter 12 in the case of ~~an offender~~ a defendant who has pled guilty to a
3 nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not
4 involve the subject areas prohibited for referral to a community justice center
5 under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to
6 this subdivision does not require the ~~court~~ Court to place the offender on
7 probation. The offender shall return to court for further sentencing if the
8 reparative board does not accept the case or if the offender fails to complete
9 the Reparative Board Program to the satisfaction of the board in a time deemed
10 reasonable by the board.

11 (3) Probation pursuant to 28 V.S.A. § 205.

12 (4) Supervised community sentence pursuant to 28 V.S.A. § 352.

13 (5) Sentence of imprisonment.

14 (6) Imposition of a fine with an option to suspend all or part of the fine
15 conditioned on completion of court-approved programming. Any surcharges
16 imposed at sentencing shall be calculated on the full amount of the fine and not
17 on the suspended amount.

18 (b) When ordering a sentence of probation, the ~~court~~ Court may require
19 participation in the Restorative Justice Program established by 28 V.S.A.
20 chapter 12 as a condition of the sentence.

1 (c) If the Court sentences a person for a nonviolent misdemeanor to serve a
2 term of imprisonment or to probation, the Court shall state on the record or in
3 writing why the sentence is necessary to serve the ends of justice.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2014.