VERMONT LEGISLATIVE
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Fiscal Note
May 23, 2024
Scott Moore, Legislative Finance Manager

H.645 (Act 180) – An act relating to the expansion of approaches to restorative justice

As enacted

Bill Summary

This bill proposes to create pre- and post-charge diversion for certain eligible offenses and persons. It also proposes to create a post-adjudication reparative program governed by memoranda of understanding that are required to outline eligible offenses, a process to supplement eligible offenses, evidence-based screening procedures, and confidentiality provisions.

Fiscal Impact

This bill amends current statute associated with fees charged to participants in both the juvenile and adult diversion programs. These changes largely reflect current practice within the Court Diversion Program and as a result are likley to have a negligible impact on special fund revenues.

This bill creates a working group with an estimate cost of $3,500 to the General Fund in fiscal year 2025. The bill does not include an appropriation for costs associated with this group; the cost would be absorbed by the General Assembly's fiscal year 2025 budget.

Background and Details

The following sections have a fiscal impact.

Section 1

This section amends 3 V.S.A. chapter 7. Current law states that diversion participants must pay a fee not to exceed $150 for juveniles and $300 for adults. Proposed language would allow diversion programs more flexibility in whether they assess a fee for diversion program participants. If a fee is charged, it shall be determined based upon the financial capabilities of the participant. The fee would not exceed $300.

These changes largely reflect current practice. As of July 1, 2023, no fee is charged to youths and adults referred to Court Diversion from the Family Division of the Superior Court, or adults participating the Driver License Suspension (DLS) Program. Program directors have noted the changing demographics of participants, most of whom earn low wages and struggle with other financial challenges. Data collected last year show that approximately one quarter of diversion program participants paid the full fee amount; approximately one quarter paid a reduced fee; and over 50 percent paid no fee. In total, $161,380 was

collected in fee revenue in fiscal year 2023. To account for the loss in special fund revenue as a result of the change, $54,000 was added to the fiscal year 2024 Vermont Court Diversion base budget in Act 78 of 2023.

Section 4

This section would establish the Post-Adjudication Reparative Program Working Group to create a Post-Adjudication Reparative Program and study the establishment of a stable funding structure to support the operation of appropriate community-based service providers.

The Group would be made up of the Commissioner of Corrections or a designee, the Chief Judge of the Vermont Superior Court or a designee, and five representatives selected from different geographic regions of the state.

The Group would have the following reporting deadlines:

- On or before January 15, 2025, the Group would submit a progress update to the Senate Committee on Judiciary, and House Committees on Corrections and Institutions and on Judiciary.
- On or before July 15, 2025, the Group would submit a progress update to the Joint Legislative Justice Oversight Committee.
- On or before November 15, 2025, the Group would submit a written report to the Joint Legislative Justice Oversight Committee, the Senate Committee on Judiciary, and the House Committees on Corrections and Institutions and on Judiciary.

Members of the Group who are not employees of the State would be entitled to compensation and reimbursement of expenses, pursuant to 32 V.S.A. § 1010, for not more than six meetings.

Total estimated costs are $3,500 in fiscal year 2025. This section does not include an appropriation; the cost would be absorbed by the General Assembly's fiscal year 2025 budget.