Vermont Network Against Domestic and Sexual Violence
End of Session Legislative Update - 2005

Bills That Passed This Session and Are Now Law

Act 21 – Judicial Determinations in Juvenile Proceedings (formerly H.515)
This law requires findings in family court CHINS and juvenile delinquency proceedings for reasonable-efforts decision-making regarding the removal of a child from the home and subsequent permanency planning efforts. The judicial determinations are required by Title IV-E of the Social Security Act as implemented by the Adoption and Safe Families Act of 1997, a federal program that offers participating states substantial funding for their foster care, adoption assistance, and child welfare programs.
(effective 7/1/05)

Act 40 – Wine Auctions by Nonprofit Organizations (formerly H.48)
This law allows nonprofit organizations to sell wine at auction for fundraising purposes, with proper documentation provided to the department of liquor control.
(effective 6/2/05)

Act 45 – Reorganization of the Agency of Human Services (formerly H.531)
This law makes some technical and administrative changes to the Dept. of Disabilities, Aging and Independent Living; creates a new Juvenile Justice unit within the Dept. for Children and Families, and transfers the position of Juvenile Justice Director into the DCF.
(effective 7/1/05)

Act. 49 – Unemployment Compensation for Survivors of Domestic Violence (formerly S.41)
This law establishes the domestic and sexual violence survivors’ transitional employment program to provide temporary, partial wage replacement to individuals who must leave employment, without good cause attributable to the employer, because of circumstances directly resulting from domestic violence, sexual assault, or stalking. (see separate fact sheet)
(effective 7/1/05)

Act 51 – Restitution Procedures (formerly S.102)
This law:
1. permits the restitution unit to share information with the department of motor vehicles and to provide restitution-related information to the department of corrections concerning offenders under the department’s supervision;
2. permits the restitution unit to reduce restitution payments if victims have been compensated through insurance payments or other means;
3. authorizes the restitution unit to adopt administrative rules;
4. permits the restitution unit to retain donations and restitution payments which a victim has declined;
(5) provides that crime victims who are natural persons are generally paid restitution through advance payments from the restitution fund, while crime victims who are organizations or government agencies are paid restitution which is collected from the offender;

(6) establishes limits on the amount of restitution which can be paid to multiple victims of a crime spree; and

(7) makes a variety of technical amendments.

(effective 7/1/05)

Act 63 – Corrections (formerly S.156)
This law makes many changes affecting offenders under the supervision of the department of corrections; changes to the parole board; guidelines for graduated sanctions for probation violation; permits courts to issue deferred sentences over the objection of state’s attorneys in limited circumstances; creates study committees dealing with transitional housing and sexual exploitation of offenders; re-creates the joint legislative corrections oversight committee; amends the mission of the DOC; requires a plan for specialized substance and domestic abuse programming in facility; authorizes a pilot program for GPS tracking of offenders; and creates the crime of assault with bodily fluids.

(see separate fact sheet)

(effective 7/1/05 except furlough provisions)

Act 83 –Community Safety (formerly S.15 - Voyeurism)
This law builds on the bill criminalizing voyeurism and includes many provisions to address violent crime in Vermont. The new law prohibits a person from intentionally hiding, waiting, or loitering in a place for the purpose of viewing a person’s nude or partially-clothed body without the consent of the person when such person has a reasonable expectation of privacy. It also prohibits viewing or recording a person’s intimate areas under circumstances where the person should have a reasonable expectation of privacy. The bill also provides enhanced criminal penalties if the person records the image of the person’s nudity or partially-clothed body, and further penalties if the person distributes these images.

The law also includes changes to the crimes of stalking and aggravated stalking, making them easier to prosecute; it increases the penalty for assault with a deadly weapon; it expands the state's DNA databank to include DNA samples from all convicted felons; it authorizes expansion around the state of special investigation units for sexual and domestic violence and child abuse; it slightly expands information listed about offenders on the internet sex offender registry; it clarifies that law enforcement agencies around the state have the authority and encouragement of the legislature to engage in active community notification if dangerous sex offenders are being released into their communities; it directs the House Judiciary Committee to study the issue of civil commitment over the summer and fall and bring back a proposal to the legislature; and the bill also contains other more technical provisions.

(see separate fact sheet)

(effective 7/1/05)

Act 79 – Criminal Abuse, Neglect, and Exploitation of Vulnerable Adults (formerly H.163)
This law revises and expands existing criminal law regarding abuse, neglect, and exploitation of vulnerable adults.

(see separate fact sheet)

(effective 6/25/05)
Act 71 - Appropriations for State Government (the budget - formerly H.516)
The “Big Bill”, or appropriations bill, contains several provisions of interest to Network Programs and related organizations:

- The budget contains level funding for the Member Programs of the Network (passed through the budget of the Center for Crime Victim Services).
- It also makes up for holes in the state-based Victim Assistance program (preserving advocate positions based in state’s attorneys’ offices).
- The budget also restores full funding for Vermont Legal Aid.

The budget also contains the following provisions:

- Creates a commission to study of the use of social security numbers and other privacy concerns in the private and public sector
- Directs the department of public safety to submit a plan to the legislature for developing a statewide public safety communications system
- Directs the commissioners of public safety and buildings and general services to submit a plan for design and construction of a new forensic laboratory
- Directs the law enforcement advisory board to study the relationship between the state police and local coverage to ensure effective coverage in a cost-effective manner
- Provides funds for DNA processing at the state crime lab, including hiring additional staff
- Requires the court administrator to submit a plan and budget for providing court security services throughout the state
- Creates two new positions in the judiciary: Judicial Bureau Docket Clerk and Guardian ad Litem Volunteer Coordinator
- Requires the court administrator to develop an implementation plan for a comprehensive strategy to manage public records of all courts in the state
- Amends the governing statute of the Human Rights Commission to require the advice and consent of the state Senate on all appointees, and to require that at least one member be of a racial minority.
- Tobacco settlement funds are directed to several sources, including:
  - A statewide program for substance abuse prevention and mentoring program for youth based in Bennington County
  - A grant to Lamoille County people in partnership for wrap-around services for at-risk youth
- General funds are directed to Prevent Child Abuse Vermont for a comprehensive health education and violence prevention curriculum for seventh and eighth grade students
- Tobacco settlement and general funds are directed to a number of substance abuse and recovery centers
- Requires the agency of human services to report to the legislature about the status of the 2-1-1 information line
- Creates a work group to address issues relating to forensic mental health patients and defendants
• Adopts the department of health principles for restructuring the delivery of mental health services currently received in the Vermont state hospital and authorizes the health department to work with the mental health oversight committee on implementation
• Directs the commissioner of corrections to research and report on the viability of developing community mapping technologies
• Provides funds for the department of corrections for transitional housing, employment assistance, and additional staff
• Directs the department of corrections to report to the legislature about overcrowding
• Creates a committee to explore recommendations about women offenders and substance abuse
• Directs the commissioner of health to develop a statewide health information technology plan for sharing electronic health information among health care facilities, health care professionals, public and private payers, and patients
• Raises premiums on some state health programs (VHAP) and makes many changes to the state’s Medicaid program – more details are available on the website of the Office of Vermont Health Access: http://www.ovha.state.vt.us/medicaidhome.cfm
• Creates a commission on health care reform, along with other health care-related measures. More information is available on the state legislative website: http://www.leg.state.vt.us/CommissionOnHealthCareReform/

Vermont’s legislative session runs on a two year cycle (a biennium) from January through May or June for two consecutive years. This first year of the 2005–2006 biennium officially concluded on June 4th, but all of these bills remain in committee and may be considered in the next half of the biennium, which begins January 3, 2006. If the Network has a position on a bill, it is noted in italics. If there is no notation, the Network has not taken an official position.

House Bills

H.5 - SEXUAL EXPLOITATION OF CHILDREN AND POSSESSION OF CHILD PORNOGRAPHY
This bill proposes to define the term lewd exhibition, and to remove the exemptions and affirmative defenses for schools, museums, and public libraries to the crimes of possession of child pornography and promoting a recording of sexual conduct by a child.

H.8 - SEXUAL EXPLOITATION
This bill proposes to create a new chapter regarding sexual exploitation, prohibiting sexual acts between corrections personnel and persons under correctional supervision and between secondary education teachers and students.

The new Corrections Act (Act 63) convenes a Working Group (with representatives from the Network and the Center for Crime Victim Services) to draft legislation criminalizing sexual contact between DOC personnel and those they supervise.

H.33 – UNIFORM MEDIATION ACT
This bill proposes to adopt the Uniform Mediation Act.
H.39 – BARRE DISTRICT COURT
This bill proposes to rename the state court building in Barre for the late Washington County state’s attorney Terry Trono. (also in the Senate - S.3)

H.40 - ACCESS TO PROTECTED HEALTH INFORMATION MAINTAINED BY A CLINICAL LABORATORY
This bill proposes to require clinical laboratories to release testing results to patients who submit a valid authorization requesting the release of protected health information.

H.46 - INCREASED PENALTIES FOR DISCHARGING A FIREARM IN A SAFETY ZONE
Proposes to increase the penalty for discharging a firearm within a safety zone to revocation of a hunting license for five years and a $1,000.00 fine.

H.53 - CONFIDENTIALITY OF LAW ENFORCEMENT INTERNAL INVESTIGATION RECORDS
This bill proposes to make the records on internal investigations of all law enforcement officers, except state police officers, confidential unless those records are clearly relevant to a current legal proceeding and no other access to that information is available, and the release of those records is ordered by a superior court judge.

H.60 – FALSE REPORTS TO LAW ENFORCEMENT OFFICERS
This bill proposes to prohibit a person from providing false information to law enforcement authorities for the purpose of concealing his or her identity.

H.98 - HEALTH INSURANCE PLAN REIMBURSEMENT FOR COVERED SERVICES PROVIDED BY NATUROPATHIC PHYSICIANS
This bill would allow naturopathic physicians providing treatment within their scope of practice to be reimbursed for providing medically necessary health care services that are covered by a health insurance plan. (also in the Senate – S.23)

H.101 - POST-TRAUMATIC STRESS DISORDER AND STATE POLICE OFFICERS
This bill proposes to require the department of public safety to include consideration of post-traumatic stress disorder when addressing actions of a state police officer in regard to a critical situation report and potential disciplinary action.

H.108 – CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS
This bill proposes to repeal the existing procedures for designating a person a sexually violent predator and replace them with a procedure whereby the state may civilly commit a sexually violent predator to state custody for the purpose of involuntary mental health treatment after his or her release from prison.

The Community Safety Act (Act 83), includes provisions for the continued consideration of civil commitment by the House Judiciary Committee

H.116 - STATE FINANCIAL SUPPORT FOR OPERATING COSTS OF CERTAIN INTERMUNICIPAL POLICE SERVICE UNITS
This bill proposes to: (1) permit task forces and specialized investigative units to accept, receive, and disburse funds, grants, and services; (2) permit specialized investigative units to apply to a board comprised of the attorney general, the secretary of administration, the executive director of the department of state’s attorneys, and the executive director of the Vermont League of Cities and Towns for grants covering the yearly municipal costs of salaries and employee benefits for the performance of unit duties as well as unit operating costs for rent, utilities, equipment, training, and supplies; and (3) appropriate $300,000.00 to the state’s attorney’s association for funding grants.

Components of this bill, minus the appropriation, are included in the Community Safety Act (Act 83) which is now law.

Network supports

H.161 - PROHIBITING DISCLOSURE OF COMMUNICATIONS MADE TO INTERPRETERS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY
This bill proposes to prohibit the disclosure of communications made to an interpreter acting in his or her capacity as an interpreter for a person with limited English proficiency.

Passed the House; in Senate Judiciary
Network supports

H.190 - DISSEMINATION OF CRIMINAL HISTORY RECORDS TO EMPLOYERS
This bill proposes to establish a procedure whereby an employer could obtain the criminal history record of a prospective employee or volunteer; permit an individual to obtain a copy of his or her own criminal history record; and waive the fee for criminal history records requested by a qualified organization that provides care or services to children, the elderly, or persons with disabilities.

H.205 - REQUIRING CRIMINAL PROCEEDINGS AGAINST MINORS TO BE COMMENCED IN JUVENILE COURT
This bill proposes to require that all criminal proceedings against minors be commenced in juvenile court. For serious offenses, the state’s attorney may file a motion to transfer the proceedings to criminal court.

H.206 - AN APPROPRIATION TO THE FRANKLIN COUNTY SHERIFF’S DEPARTMENT
This bill proposes to appropriate $85,000.00 to the Franklin County sheriff’s department to improve its dispatching system.

H.218 - PERMITTING PARENTS, SPOUSES, AND OTHER RELATIVES TO BE CHARGED WITH BEING AN ACCESSORY AFTER THE FACT
This bill proposes to permit parents, spouses, and other relatives to be charged with the crime of being an accessory after the fact.

H.219 - SHARING FINES WITH MUNICIPALITIES AND SHERIFFS’ DEPARTMENTS
This bill proposes to require the state and a municipality or sheriff’s department to share fines equally when assessment of a fine is the result of enforcement action by the municipality’s police department or the sheriff’s department.
H.221 - FISCAL IMPACT STATEMENTS FOR ENACTMENT OR AMENDMENT OF ANY PENAL STATUTE
This bill proposes to require the joint fiscal office to prepare, and the legislature to consider, statements which analyze fiscal impacts of an enactment or amendment of any penal statute.

H.231 - CREATION OF BUILDING BRIGHT FUTURES: THE VERMONT ALLIANCE FOR CHILDREN
This bill proposes to create building bright futures: the Vermont alliance for children, a public-private partnership of state government decision-makers, parents, and private sector leaders. The alliance shall promote statewide planning and policy development and shall coordinate and raise funds for a comprehensive, unified, and voluntary system of early childhood care, health, and education services which are universally available to all families expecting a child and to children below the age of six years. (also in the Senate – S.89)

H.236 - AUTHORIZING THE VERMONT CRIMINAL JUSTICE TRAINING COUNCIL TO SUSPEND OR REVOKE A LAW ENFORCEMENT OFFICER’S CERTIFICATION
This bill proposes to: (1) authorize the Vermont criminal justice training council to suspend or revoke a law enforcement officer’s certification; (2) recognize the council as a law enforcement agency; and (3) grant law enforcement authority to council employees at the discretion of the council.

H.237 - EMERGENCY CONTRACEPTION
This bill proposes to permit a pharmacist to dispense emergency contraception in accordance with a protocol developed by the Dept. of Health and entered into by the pharmacist and a physician or other prescriber.

Passed the House; in Senate Health and Welfare
Network supports

H.244 - CHRONIC FATIGUE SYNDROME
This bill proposes to increase public awareness of chronic fatigue syndrome by education through the distribution of information.

H.254 - CRIMINAL THREATENING
This bill proposes to prohibit physical conduct intended to place a person in fear of imminent bodily injury and prohibit threats and actions intended to coerce or terrorize another person.

H.255 - NOMINAL CHILD SUPPORT PAYMENTS IF THE NONCUSTODIAL PARENT’S AVAILABLE INCOME IS BELOW THE SELF-SUPPORT RESERVE
This bill proposes to prohibit a court from ordering a nominal child support payment if the noncustodial parent’s available income is below the self-support reserve.

H.256 - SENTENCING RECOMMENDATIONS FOR FIRST OR SECOND OFFENSE ILLEGAL DRUG POSSESSION
This bill proposes to recognize treatment over incarceration as the preferred response to drug addiction and drug-related crime, and recommend a suspended sentence and probation for nonviolent offenders charged with a first or second drug possession offense. Probation would
include mandatory drug screening and treatment. The bill also repeals the law that permits a person who is convicted of a second or subsequent drug offense to be sentenced to twice the prison term and double the fine authorized by the underlying statute.

H.260 - QUALIFICATIONS FOR APPOINTMENT AS A JUDGE OR JUSTICE
This bill proposes to require that candidates for judicial vacancies be well-qualified for the position, instead of simply qualified, and to establish in detail the factors that the board shall consider in determining whether a candidate is well-qualified.

H.265 - THE USE OF MOBILE VIDEO RECORDING EQUIPMENT BY LAW ENFORCEMENT OFFICERS
This bill proposes to require a law enforcement officer operating a vehicle containing a video recording device to turn the device on whenever the vehicle’s blue lights are in operation.

H.282 - A DOMESTIC AND SEXUAL VIOLENCE VICTIMS SERVICES SPECIAL FUND
This bill would establish a domestic and sexual violence victim services special fund to support programs of the network against domestic and sexual violence. It would also raise the fee for marriage and civil union licenses and direct the extra revenue into the special fund. 
*The language from this bill was added into the fee bill and approved in the Senate, but removed in conference committee.*

*Network supports*

H.297 - CORPORAL PUNISHMENT OF A CHILD BY A PARENT
This bill proposes to exclude parental discipline, including corporal punishment that is reasonable in light of the age and condition of the child, from the domestic assault statute. (also in Senate – S.36)

H.306 - TRANSPORTATION OF CHILDREN IN THE CUSTODY OF THE STATE
This bill proposes to discourage the use of leg-irons, shackles, or similar restraining devices when transporting a child who is in the custody of the state unless public safety requires that such methods be used.

H.311 - PARENT-CHILD CENTERS
This bill proposes to appropriate funds to establish and support learning together programs through the Vermont network of parent-child centers. (also in the Senate – S.118)

H.316 - CONTEMPT PROCEEDINGS FOR A VIOLATION OF A CHILD SUPPORT ORDER
This bill proposes to provide magistrates with contempt power in child support enforcement proceedings.

H.317 - PARENT COORDINATORS
This bill proposes to provide a process for the appointment and employment of a parent coordinator in actions in which parental rights and responsibilities have been adjudicated, but parent-child contact issues remain in dispute because of high conflict between the parents, domestic violence, substance abuse, or other factors that significantly impede resolution.
H.319 - TEACHING MEDIA LITERACY IN VERMONT SCHOOLS
This bill proposes to direct the commissioner of education to ensure that media literacy is taught in Vermont public schools.
*Network supports*

H.323 - PROHIBITING DISCRIMINATION IN PUBLIC ACCOMMODATION BASED ON RECEIPT OF PUBLIC ASSISTANCE
This bill proposes to prohibit discrimination against an individual because the individual receives public assistance.
*Network supports*

H.328 - PARENTAL NOTIFICATION PRIOR TO PERFORMING AN ABORTION ON AN UNEMANCIPATED MINOR
This bill proposes to require at least one parent or a guardian of an unemancipated minor to receive written notice at least 48 hours before an abortion is performed on the minor. Notification is not required if the abortion is necessary to prevent death or serious bodily injury to the minor, or if a court finds one of the following by clear and convincing evidence:
1. the minor is sufficiently mature to decide whether to terminate her pregnancy and provide for her own postabortion care, and understands the nature, risks, and consequences of the procedure to be performed;
2. notification would place the minor at substantial risk of being physically or emotionally harmed by a parent or guardian;
3. notification would cause irreparable harm to the minor’s relationship with her parent or guardian; or
4. notification is not in the best interests of the minor.
The bill also requires health care providers to provide, to the extent already required by the providers’ code of professional conduct, pregnancy counseling and information before providing pregnancy-related services to a minor. The requirement does not apply in cases of medical emergency.
*Network opposes*

H.342 - SHERIFFS’ LAW ENFORCEMENT BUDGET COMMITTEES
This bill proposes to allow for the creation of a sheriff’s law enforcement budget committee in each county which may propose a budget for funding employees of a sheriff’s office who are engaged in general or specialized law enforcement activities.

H.345 - ABORTIONS PERFORMED ON MINORS
This bill proposes to make it a crime for a person other than a physician licensed to practice in Vermont to perform an abortion on a minor less than 18 years of age, unless:
1. the minor is accompanied by a parent; or
2. the person is supervised by a physician licensed to practice in Vermont who personally consults with the minor before the abortion and provides follow-up care to the minor after the abortion.

H.346 - CRIMES AGAINST AN UNBORN CHILD
This bill proposes to create the following crimes:
(1) murder of an unborn child;
(2) manslaughter of an unborn child;
(3) negligent killing of an unborn child;
(4) battery of an unborn child; and
(5) assault on an unborn child.

H.347 - REPORTING TREATMENT OF SERIOUS BURNS AND FIREARM INJURIES
This bill proposes to require physicians and health care institutions to report the treatment of serious burns and firearm injuries to state officials for the purpose of assisting investigations of arson, identifying victims of assault, and promoting public safety. Reporting of gunshot wounds already is currently required by law. The bill recodifies the gunshot wound law and adds an immunity provision for reporting in good faith.

H.366 - EXPUNGEMENT OF CRIMINAL RECORDS
This bill proposes to provide a process for the expungement of a criminal record of arrest, conviction, and sentence for certain misdemeanor and felony offenses. A person who complies with all the conditions of his or her sentence and does not commit any subsequent offenses for a specified period of time may petition the court for expungement. The court may order expungement of the record if it finds that expungement is consistent with the public welfare.

Network opposes

H.369 - THREATENING TO USE A DEADLY WEAPON ON ANOTHER PERSON
This bill proposes to establish that a person commits the crime of aggravated assault when the person threatens to use a deadly weapon on another person.

The language from this bill was included in the Community Safety Act (Act 83) which is now law.

Network supports

H.373 – STALKING
This bill proposes to use a reasonable person standard with regard to the elements of stalking; prohibit the harassment of family members as a means of making a person fear unlawful conduct; and establish a procedure whereby a person may obtain an order against stalking against a person that is similar in nature to obtaining an abuse prevention order.

Most of the provisions of this bill related to the definition of stalking were included in the Community Safety Act (Act 83) which is now law.

Network supports and encourages addition of protection orders for sexual assault victims

H.396 – PROBATION
This bill proposes to require that the probation term for misdemeanants be for a definite period of time not to exceed two years.

Network opposes

H.404 - ACCESS TO MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS
This bill proposes to support mental health parity by ensuring broader access to licensed mental health and substance abuse providers.

Passed the House; in Senate Finance
H.411 - MENTAL HEALTH PARITY
This bill proposes to enhance Vermont’s mental health parity laws.

H.424 – GUARDIANSHIPS
This bill proposes to revise and restructure the law governing guardianships. (revises statutes pertaining to people with “mental illness” and “mental retardation”)

H.434 - REACH UP FINANCIAL ASSISTANCE
This bill proposes to ensure participants in the Reach Up program receive a minimum percentage of the standards for basic needs and housing.

H.439 - PLACEMENT OF A CHILD IN NEED OF CARE OR SUPERVISION
This bill proposes to require the department for children and family services to prioritize placement of a child with a relative or family member if it is in the best interests of the child. The bill also permits a party to request that the court review placement determinations made by the department.

H.442 - REQUIRING PERMISSION FROM A LOCAL LEGISLATIVE BODY FOR USE OF SECURITY CAMERAS
This bill proposes to require permission from a local legislative body before a security camera may be used in a residential neighborhood.

H.446 - THE USE OF SOCIAL SECURITY NUMBERS
This bill proposes to prohibit many uses of Social Security numbers. In addition, the bill requires the continuation of an agency of administration study regarding the collection and use of Social Security numbers by state agencies.

Pieces of this bill are included in the H.516 – the budget – which passed and is now law

H.477 - ECONOMIC SAFETY AND SECURITY FOR SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING
This bill proposes to provide economic and personal security for survivors of domestic violence, sexual assault, and stalking by providing them with unemployment compensation benefits when they are forced to leave employment because of domestic violence, sexual assault, or stalking.

The Senate version of this bill – S.41 – passed both chambers and is now law

H.478 - DISCRIMINATION ON THE BASIS OF GENDER IDENTITY OR EXPRESSION
This bill proposes to add gender identity or expression to the list of protected classes in various statutes.

Network supports

Senate Bills

S.5 - THE STATE DNA DATABASE
This bill proposes to require that a person submit a DNA sample for the state database if the person is convicted of a violation of 13 V.S.A. § 3252(a)(3) (sexual assault), and the victim is under 16 and the offender is over 21 at the time of the offense.
**The Community Safety Act (Act 83)** which is now law includes a provision requiring the state to collect DNA samples from anyone convicted of a felony, which would include 13 VSA § 3252.

S.20 - CRIMINAL ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS
This bill proposes to revise and expand existing criminal law regarding abuse, neglect, and exploitation of vulnerable adults.
**The House version, H.163, passed both chambers and is now law (Act 79).**
Network supports with addition of sexual abuse, which is included in H.163 as enacted

S.23 - HEALTH INSURANCE PLAN REIMBURSEMENT FOR COVERED SERVICES PROVIDED BY NATUROPATHIC PHYSICIANS
This bill would allow naturopathic physicians providing treatment within their scope of practice to be reimbursed for providing medically necessary health care services that are covered by a health insurance plan. (also in the House – H.98)

S.24 - RESTORING GOOD BEHAVIOR REDUCTIONS FOR MINIMUM SENTENCES
This bill proposes to restore the ability of inmates to earn reductions to their minimum sentences for good behavior.
**Act 63, the Corrections Act which has become law, allows some offenders to earn time off their minimum sentence to be applied to reintegration furlough at the DOC commissioner’s discretion.**
The Network opposes this measure for violent offenders

S.25 - GRADUATED SANCTIONS FOR PROBATION, SUPERVISED COMMUNITY SENTENCE, AND PAROLE VIOLATIONS
This bill proposes to require the department of corrections to develop a system of graduated sanctions for violations of probation, supervised community sentence, and parole as an alternative to revocation and imposition of sentence.
**Language from this bill was included in Act 63, the Corrections Act which has become law.**
Network supports

S.26 - DEFERRED SENTENCES
This bill proposes to permit the court to order a deferred sentence without an agreement between the state’s attorney and the respondent if it finds that such a judgment would be in the interest of justice. However, the court shall only be entitled to this authority in cases in which the respondent is under the age of 22 and is not charged with a listed crime.
**Language from this bill was included Act 63, the Corrections Act which has become law.**
Network opposed, although the provision is much more restricted than past proposals

S.27 - SAFE HAVEN DEFENSE TO THE CRIME OF ABANDONING A BABY
This bill creates an exception to the crime of abandoning a baby if a person voluntarily leaves the baby within 30 days of its birth with staff or volunteers at a health care facility, police station, fire station, church or with a 911 emergency responder.
**Passed the Senate; in House Judiciary; Network supports**
S.33 - THREATENING TO USE A DEADLY WEAPON ON ANOTHER PERSON
This bill proposes to establish that a person commits the crime of aggravated assault when the person threatens to use a deadly weapon on another person.

Language from the House bill, H.369, is included in Act 83, the Community Safety Act which has become law. Network supports

S.45 - ATTORNEY’S FEES FOR PARTIES PREVAILING IN LITIGATION SEEKING PRODUCTION OF A PUBLIC RECORD
This bill proposes to require a court to award attorney’s fees and other litigation costs to a complainant who substantially prevails in litigation seeking production of a public record, if the court finds that the agency knowingly or unreasonably withheld the record to cause undue delay, and unless the court finds that the agency had a reasonable basis for withholding the record.

Passed the Senate; in House Judiciary

S.54 - ESTABLISH A STATEWIDE RENTAL HOUSING REGISTRY TO IMPROVE THE QUALITY, SAFETY, AND HABITABILITY OF RENTAL HOUSING IN VERMONT
This bill proposes to create within the department of public safety a state registry of rental housing units which will have as its goal the preservation and protection of rental housing for the benefit and safety of the owners and renters of that housing. The registry will provide uniform and responsive rental housing code inspections, improve the safety and habitability of rental housing through education and training for property owners and tenants, and develop technical assistance and financial resources to support property owners in their ownership responsibility to maintain rental properties in compliance with the state’s rental housing health and life safety codes and to support enforcement of those codes in regard to both tenants and owners in order to preserve and protect existing rental housing.

S.57 - JURISDICTION OF ASSISTANT JUDGES IN CALEDONIA COUNTY
This bill proposes to expand the jurisdiction of Caledonia County assistant judges to allow them to hear cases concerning child support proceedings, parentage proceedings, and civil ordinance and traffic violations (currently allowed only in Essex and Orleans Counties).

S.59 - THE JOINT LEGISLATIVE CORRECTIONS OVERSIGHT COMMITTEE
This bill proposes to allow the work of the joint legislative corrections oversight committee to continue beyond its scheduled expiration date of June 30, 2005.

The provisions of this bill are included in Act 63, the Corrections Act which has become law.

S.73 - CHARGING A PERSON IN DISTRICT COURT FOR AN OFFENSE COMMITTED WHEN THE PERSON WAS A JUVENILE
This bill proposes to prohibit the transfer of certain criminal charges to juvenile court if the defendant was a juvenile at the time of the commission of the offense, but is 18 years or older at the time the charge is filed.

S.77 - SIMPLE ASSAULT
This bill proposes to increase the penalties for simple assault.
S.87 - RELEASE OF OFFENDERS INTO THE COMMUNITY
This bill proposes to prohibit the department of corrections from approving, for offenders under the supervision of the commissioner who have been convicted of a sexual or other offense against a minor, housing within 250 yards of a school or child care center.

S.89 - CREATION OF BUILDING BRIGHT FUTURES: THE VERMONT ALLIANCE FOR CHILDREN
This bill proposes to create building bright futures: the Vermont alliance for children, a public-private partnership of state government decision-makers, parents, and private sector leaders. The alliance shall promote statewide planning and policy development and shall coordinate and raise funds for a comprehensive, unified, and voluntary system of early childhood care, health, and education services which are universally available to all families expecting a child and to children below the age of six years. (also in the House – H.231)

S.104 - STATE FINANCIAL SUPPORT FOR OPERATING COSTS OF CERTAIN INTERMUNICIPAL POLICE SERVICE UNITS
This bill proposes to: (1) permit task forces and specialized investigative units to accept, receive, and disburse funds, grants, and services; (2) permit specialized investigative units to apply to a board comprised of the attorney general, the secretary of administration, the executive director of the department of state’s attorneys, and the executive director of the Vermont League of Cities and Towns for grants covering the yearly municipal costs of salaries and employee benefits for the performance of unit duties as well as unit operating costs for rent, utilities, equipment, training, and supplies; and (3) appropriate $300,000.00 to the department of state’s attorneys for funding grants. (Also in the House – H.116)

Components of this bill are included Act 83, the Community Safety Act which has become law. Network supports

S.109 - CONDITIONS OF RELEASE RELATING TO DRUG AND ALCOHOL TREATMENT
This bill proposes to permit a court to order a defendant to participate in nonresidential drug or alcohol treatment as a condition of release.
The language of this bill is included in Act 63, the Corrections Act which has become law.

S.117 - STATE RECOGNITION OF THE ABENAKI PEOPLE
This bill proposes to recognize the Abenaki people in Vermont.
Passed the Senate, in House General, Housing & Military Affairs

S.118 - PARENT-CHILD CENTERS
This bill proposes to appropriate funds to establish and support learning together programs through the Vermont network of parent-child centers. (also in the House – H.311)

S.121 - FELONY CONVICTIONS AND PROFESSIONAL LICENSURE
This bill proposes to eliminate the requirement that a felony conviction unrelated to the practice of a profession be grounds for unprofessional conduct.
S.139 - SEXUAL ACTIVITY BETWEEN A SCHOOL EMPLOYEE AND A STUDENT
This bill proposes to criminalize sexual activity between a school employee and a student who has reached the age of consent, punishable by up to 10 years in prison.

S.144 – STALKING
This bill proposes to use a reasonable person standard with regard to the elements of stalking; prohibit the harassment of family members as a means of making a person fear unlawful conduct; and establish a procedure whereby a person may obtain an order against stalking against a person that is similar in nature to obtaining an abuse prevention order.
(also in the House – H.373)
Parts of the House bill pertaining to the definition of stalking are included in Act 83, the Community Safety Act which has become law. Network supports

S.163 – PARENTAL NOTIFICATION PRIOR TO PERFORMING AN ABORTION ON AN UNEMANCIPATED MINOR
This bill proposes to require at least one parent or a guardian of an unemancipated minor to receive written notice at least 48 hours before an abortion is performed on the minor. Notification is not required if the abortion is necessary to prevent death or serious bodily injury to the minor, or if a court finds one of the following by clear and convincing evidence:
(1) the minor is sufficiently mature to decide whether to terminate her pregnancy and provide for her own postabortion care, and understands the nature, risks, and consequences of the procedure to be performed;
(2) notification would place the minor at substantial risk of being physically or emotionally harmed by a parent or guardian;
(3) notification would cause irreparable harm to the minor’s relationship with her parent or guardian; or
(4) notification is not in the best interests of the minor.
The bill also requires health care providers to provide, to the extent already required by the providers’ code of professional conduct, pregnancy counseling and information before providing pregnancy-related services to a minor. The requirement does not apply in cases of medical emergency.
Network opposes

You can view the full text of any of these bills – and track the changes they went through - by going to the Legislative website: www.leg.state.vt.us and selecting Legislative Information Database or Text of Bills and Other Legislative Documents.

From the Legislative home page you can also search for bills by sponsor or keyword, browse all the laws enacted this session, track legislative meeting schedules, and look up contact information for legislators.