Following is a list of laws passed during Vermont’s 2007 legislative session that impact victims and survivors of sexual and domestic violence and those who support them.

Act No. 15/ H. 137: Relating to the Restoration of a Department of Mental Health and a Commissioner of Mental Health
When the legislature reorganized the Agency of Human Services in 2005 they consolidated the departments of health and mental health. This act restores the department of mental health and re-creates the position of commissioner of mental health, in response to concerns from advocates and consumers that the complexity of the mental health system requires a specialized department with its own commissioner.

Effective Date:  July 1, 2007

Act No. 30/ H. 523: An Act Relating To Moving Families Out of Poverty
Summary from Voices for Vermont’s Children:
The Vermont Legislature was faced with a formidable challenge this session. The federal government, in the Deficit Reduction Act of 2005 (DRA), imposed a set of new rules for state welfare programs. One of the most significant changes is an increased work participation requirement for recipients. States who fail to meet this requirement face harsh sanctions in the loss of federal money to fund their income programs for poor children and their families.
The Human Services Committee of the House and the Senate Health and Welfare Committee, in partnership with Office of Economic Services staff and outside advocates (including Voices staff), spent many hours working to meet the requirements of the DRA without terminating needy families from the programs. The result was H. 523.

The House took advantage of very creative thinking by national policy experts and a summer legislative study committee and split Vermont’s Reach-Up Program into several separate programs. Under this new system the programs that would do most to put Vermont over its mandated work participation rate - but are considered to be very important for the well-being of children and their families - are funded with separate state money in order to keep participants from being forced to participate in the work participation rate.

An example of this new approach is Vermont’s post-secondary education program. That program allows low-income parents to attend college or technical school thus genuinely helping low-income parents to achieve self-sufficiency. Under the federal DRA, post-secondary education cannot be counted as employment in the work
participation rate. In order to save the program policymakers now use only separate state money to fund it.

The bill (H. 523) was signed into law by the Governor on May 17, 2007. It turns the current program, Reach Up, into three separate programs:

1. **Reach First** is a program of services and temporary financial assistance to families who may need short-term assistance. If the family moves out of the program within four months they are not included in the work participation rates. The family can transition to another program if it is necessary.

2. **Reach Up** is Vermont’s current income support program for low-income families with children. It received a welcome increase in the earnings disregard. The amount a family can earn and still receive benefits was increased from $150 per month plus 25% of the remaining income to $200 per month plus 25%.

3. **Reach Ahead** is for low-income employed families or families receiving Food Stamps. It provides food assistance to the family for one year. Both Reach Up and Reach Ahead families are counted against the work participation rate. Reach Ahead families are guaranteed to help the work participation rate, as they are in the program because they are working.

Effective Date: There are several: Reports and studies are effective on passage (May 17, 2007); Rule changes will be drafted immediately; Reach First implemented no later than April 1, 2008; Reach Ahead implemented no later than October 1, 2008

**Act No. 40/H. 334: An Act Relating to Restitution and Notice to Prosecution of Confidential Records Disclosure**

This act makes several changes to the restitution statute to improve collection of restitution from offenders and payment to victims:

- allows the Restitution Unit to report offenders’ payment histories to credit reporting agencies;
- allows the Restitution Unit to send restitution for victims it cannot locate to the State Treasurer, who can report it as unclaimed property and try to locate the victim through that process;
- allows the Restitution Unit to access information from banks about offenders’ bank accounts;
- clarifies that victims are eligible for payments from the Restitution Unit for uninsured lost wages;
- allows the Restitution Unit to pay restitution to the victim’s estate in the event of a victim’s crime-related death to cover future uninsured material losses;
- allows the state to file a motion in court to reopen a restitution case in order to request payment from the fund if restitution was not requested at the time of sentencing - the motion must be filed within one year of sentencing and is not payable by the offender;
• requires restitution orders issued after July 1, 2008 to include orders for wage withholding unless the court finds good cause not to, or the parties agree not to request wage withholding;
• allows proceeds from forfeited vehicles to be applied toward an offender’s restitution payment, after all liens have been paid;
• removes the sunset provision from the Restitution Unit’s authorizing statute;
• creates a 5-year sunset provision on the 15% surcharge on criminal and traffic fines that supports the Restitution Fund;
• requires the joint fiscal office and the center for crime victims services to report to the legislature by December 15, 2007 with data about the health of the Restitution Fund, a projection of its balances into the future, and the potential fiscal impact of paying outstanding restitution claims to victims whose restitution claims were ordered prior to the existence of the Restitution Fund (currently the fund only pays those victims whose claims were ordered after the Fund was established in 2004).

Act 40 also contains a provision recommended by last year’s Victims Rights Study Committee: it changes the statute related to a victim’s interest in speedy prosecution (13 VSA § 5312) to require that the prosecutor’s office make every effort to inform a victim of a listed crime of any pending motion that may substantially delay any deposition, change of plea, trial, sentencing hearing, or restitution hearing. The prosecutor must inform the court of how the victim was notified and of the victim’s position on the motion. If the victim is not notified, the prosecutor must tell the court why not.

Act 40 also adds a section (13 VSA § 6607) to the statutes regarding evidence at trial that requires the defense to notify the prosecutor in writing before it subpoenas any confidential record pertaining to a victim, including school records.

Effective Date: July 1, 2007

☞ **Act No. 41/ S. 51: An Act Relating to Prohibiting Discrimination on the Basis of Gender Identity**

This is a new version of the bill that was vetoed by the Governor last year. Advocacy groups worked with the Governor and the Human Rights Commission to create a compromise bill, which is represented in Act 41.

The new law defines gender identity as “an individual’s actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual’s gender or gender-identity, regardless of the individual’s assigned sex at birth”.

Act 41 adds gender identity as a protected category to all the state’s nondiscrimination statutes. It clarifies under the employment code that employers “shall not be prohibited from establishing and enforcing reasonable workplace policies to address matters related to employees’ gender identity, including permitting an employer to
establish a reasonable dress code for the workplace”. It then further clarifies that the legislature does not intend that this language shall be used as a pretext for an employer to enact workplace policies that deny an employee protections under the new law.

Effective Date: July 1, 2007


This bill became a veritable “Christmas tree bill” by the last week of the session, with many criminal justice-related provisions from other bills attached to the underlying bill. Some highlights:

- Gives the judicial bureau enhanced enforcement provisions for collecting unpaid traffic tickets. Portions of the fines for these unpaid tickets are paid to the Center for Crime Victims Services to fund victim assistance programs, so better collections should mean more funding for victim services. Additional enforcement mechanisms include additional fines, civil contempt proceedings, reports to credit reporting agencies, incarceration, referral to collection agencies, refusal to renew professional licenses, refusal to renew vehicle registrations, and more. It also allows the judicial bureau to accept credit card payments for traffic fines.
- Allows side judges sitting alone in Essex, Caledonia, Rutland, and Bennington Counties to hear and decide small claims cases.
- Requires that applicants for professional or recreational (hunting, fishing, trapping) licenses sign a statement indicating that they are in good standing with respect to any outstanding restitution orders.
- Requires the Department of Fish and Wildlife, working in consultation with the Court Administrator’s Office, the Center for Crime Victim Services, the Office of Child Support, the DMV, and the Department of Information and Innovation, to develop a proposal for an automated system to suspend licenses to hunt, fish and trap for those license holders who have outstanding unpaid restitution orders, child support orders, or fines for a criminal offense. Requires an extensive report on this subject to the legislature by December 1, 2007.
- Creates a Victims of Sexual Assault Study Committee to examine the following issues:
  - Financial costs of sexual assault forensic exams, including HIV PEP, best practices, and whether exam costs should be capped;
  - How sexual assault kits are transported to and processed by the state forensic lab;
  - Currency of practice standards for SANE nurses, and training and certification opportunities in Vermont;
  - Feasibility of creating a pediatric SANE program in Vermont;
Whether a sexual assault victim should be eligible for victim’s compensation based solely on a SANE exam (without a law enforcement report);
Current funding sources for the SANE program and the need for additional resources.
The committee includes 12 members, including a representative of the Network and a survivor of sexual assault, and is co-chaired by members from the Center for Crime Victim Services and the Center for the Prevention and Treatment of Sexual Abuse. The committee will report to the legislature by Dec. 1, 2007.

• Extends the prohibition on public access to criminal and family court case records via the internet for an additional year, until July 1, 2008.
• Creates a mechanism to deal with municipal traffic tickets if the funds from tickets are sent to the incorrect municipality.
• Adds emergency medical personnel into the statute that imposes additional criminal penalties against people convicted of simple or aggravated assault against a law enforcement officer or firefighter (13 VSA § 1028).
• Gives the judicial bureau jurisdiction over certain civil violations relating to cruelty to animals and makes changes to the penalties for some categories of cruelty to animals (13 VSA § 353).

Effective Dates: The prohibition on online posting of criminal and family court case records is effective on passage (May 26, 2007); Provisions relating to professional licenses take effect January 1, 2008; Provisions relating to motor vehicle registrations take effect January 1, 2010; all other sections take effect on July 1, 2007

☞ Act No. 60/ S. 6: An Act Relating to Preventing Conviction of Innocent Persons

This act, based on model policy from the national Innocence Project, creates a new chapter in the Vermont statutes (13 V.S.A. chapter 182) to provide a process for certain convicted offenders to petition the court for DNA testing of any evidence obtained during the investigation or prosecution of the crime that may contain biological evidence that they believe would exonerate them.

• People can petition for testing if they were convicted of one of 14 major crimes (does not include any domestic assault crimes, does include sexual assault and aggravated sexual assault); or if they were convicted of any other felony and the petition is filed within 30 months of conviction and they can demonstrate facts showing that DNA testing will provide substantial evidence of their innocence, and the court finds that the interests of justice would be served by allowing the petition.
• Petitioner submits a petition to the court that specifically identifies the crime for which he or she assert his or her innocence and lists the evidence that he or she wants tested. Petition has to contain a certification under oath that the petitioner did not commit the crime and that the petition is accurate, and has to
allege facts showing that DNA testing would be material to his or her assertion of innocence.

- State has 30 days to respond, or it automatically agrees to testing.
- Court schedules hearing within 90 days of state’s response, unless state has agreed to testing or the court dismisses the petition.
- Court can dismiss a petition without a hearing only if it determines that petition, response, reply, files and records conclusively establish that petitioner is not entitled to relief; or if the petition was not made to demonstrate innocence and it will unreasonably delay the execution of sentence or administration of justice.
- Court can appoint counsel for petitioner; all costs paid by state.
- If the address of a victim of the petitioner is known and victim has requested notification, state will notify victim of filing of petition, time and place of any hearing, and outcome of hearing. If testing is ordered, victim will also be notified whether the test results require further court hearings, the time and place of any hearings, and the outcome of the hearings.
- Court may permit extensive discovery and depositions.
- Petition shall be granted and testing ordered if the court finds:
  - A reasonable probability exists that the petitioner would not have been convicted or would have received a lesser sentence for the crime which the petitioner claims to be innocent of in the petition if the results of the requested DNA testing had been available at the time of the original prosecution;
  - One or more of the items of evidence that the petitioner seeks to have tested is still in existence;
  - The evidence to be tested was obtained in connection with the offense and was not subject to DNA testing previously or was tested but there’s a significant likelihood that additional testing will produce probative results;
  - The chain of custody for the evidence is intact, or it can be established through the testing itself.
- Order can be appealed.
- State pays for testing, either at state crime lab or at private lab if state lab doesn’t have the capacity.
- Results of tests disclosed to state’s attorney, attorney general, DOC, petitioner, and court.
- If test results support the claims in the petition, court schedules a hearing as soon as practicable to determine appropriate relief. Petitioner and state are allowed to submit motions.
- At or subsequent to the hearing, the court can issue an order that:
  - Sets aside or vacates conviction
  - Grants petitioner a new trial
  - Grants petitioner a new sentencing hearing
  - Discharges petitioner from custody
  - Specifies disposition of any evidence remaining after testing
  - Grants additional discovery on matters relating to DNA
  - Anything else the court deems appropriate
• If a person’s sentence is vacated or reversed, the information or indictment is dismissed, or they are acquitted or pardoned, then the court will order removal of the person’s information from all registries (sex offender, child abuse, vulnerable adults). If they are on registries for other offenses, information will stay in relation to other offenses.
• Orders can be appealed to VT Supreme Court.
• Court does not have to entertain subsequent petitions from the same person on the same matter, unless the court thinks that the petition will be assisted by new DNA technology, or the court thinks it would serve the interests of justice.
• People convicted of crimes and exonerated under this new chapter will have a cause of action against the state.
• To seek damages, claimant must bring a claim within 3 years. Claimant must prove by a preponderance of the evidence that:
  o They were convicted of a crime, sentenced, and served any or all of the sentence;
  o Based on DNA evidence, conviction was reversed or vacated, information or indictment was dismissed, complainant was acquitted after new trial, or was pardoned for the crime;
  o DNA establishes that they did not commit the crime for which they were sentenced; and
  o Complainant did not fabricate evidence or commit or suborn perjury during the proceedings.
• If claimant proves the above, he or she is entitled to damages, to be determined by the trier of fact. Damages will be between $30,000 and $60,000 per year of incarceration, and can also include economic damages, eligibility for state-sponsored health care, compensation for reasonable reintegrative services and mental and physical health care for the time between release from custody and the awarding of damages, and attorney’s fees and costs. All damages are paid by the state.
• Claimant is eligible for damages only for those years that he or she would not have been incarcerated for any other crime.

Act 60 also creates two related study committees. The first is a Preservation of Evidence Study Committee, consisting of 16 members. The committee will examine statewide policies regarding the preservation of evidence in criminal cases, and whether a statewide policy should be adopted (if yes, committee will recommend a policy and timeline); current policies in local jurisdictions and whether they’re consistent; best practices for preservation of evidence; appropriate duration for preservation of evidence; whether and how DNA advances should affect preservation of evidence policies; whether current facilities can store all the evidence that needs to be preserved; and whether there should be one central statewide facility for storing evidence in criminal cases.

The second committee is an Eyewitness Identification and Custodial Interrogation Recording Study Committee, consisting of 12 members. This committee will study
issues relating to best practices for eyewitness identification procedures (a.k.a. lineups) and audio and audiovisual recordings of interrogations. Both committees will report to the legislature by December 15, 2007.

Effective Date: July 1, 2007

**Act No. 64/ S. 97: An Act Relating to Correctional Facilities**
This act makes several changes to corrections-related law:

- Makes it a civil violation to knowingly carry tobacco or cause tobacco to be introduced into correctional facilities, lockups, jails and prisons, and gives the judicial bureau jurisdiction over violations of this law.
- Prohibits inmates from corresponding through the mail with other inmates, with a few exceptions.
- Creates a “negative contact list” that prohibits inmates from contacting any person who requests to be added to their negative contact list. Parents of minor children can add their children to an inmate’s negative contact list, but if the inmate is a parent of the child, he or she shall have the right to contact the child unless there is a court order barring contact.
- Expands the Joint Legislative Corrections Oversight Committee to include members from the House Human Services and Senate Health and Welfare Committees.
- Directs the joint legislative corrections oversight committee to develop recommendations before the 2008 legislative session regarding the current and future needs of persons with mental illnesses who are or will be involved in the criminal justice or corrections systems. The committee shall report its findings by January 15, 2008.
- Directs the commissioners of corrections and education to execute a memorandum of understanding regarding special education services delivery by the Community High School of Vermont.

Effective Date: July 1, 2007

**Act No. 68/ S.27: An Act Relating to Child Poverty**
This act creates the Vermont Child Poverty Council “to examine child poverty in Vermont and to make recommendations to the governor and general assembly on methods of improving the financial stability and well-being of children. The council shall develop a ten-year plan to reduce the number of children living in poverty in the state by at least 50 percent.” The council includes legislators, commissioners of state departments, and representatives from Voices for Vermont’s Children, the Vermont Low Income Advocacy Council, Vermont Legal Aid, and the Vermont Superintendents’ Association. The plan must be submitted by January 1, 2008.

Effective Date: July 1, 2007
Act No. 73/S. 192: An Act Relating to HIV Name-Based Reporting

Requires health care providers who test for HIV to report the names of patients who test positive to the Health Department. Patients will be informed of this change prior to being tested, and the new law does not apply to anonymous testing sites or nonmedical community-based organizations providing HIV testing. Name-based information disclosed to the Health Department will be privileged and confidential. Legislative intent reads: “The sole purpose of this act is to enable Vermont to continue to be eligible for federal funding which has been made contingent upon name-based HIV case reporting.” The name-based reporting requirements in the act will cease to be in effect if the federal government eliminates the requirement for name-based reporting.

Effective Date: Individuals for whom HIV-positive test results were previously reported by unique identifier will be notified beginning immediately that their names will be reported to the health department; other sections take effect on April 1, 2008.

Act No. 77/H. 148: An Act Relating to the Child Abuse Registry and Increased Sex Offender Registry Requirements

This act makes several changes to the sex offender registry and to child abuse and neglect investigations by the Department for Children and Families (DCF) and the DCF child abuse registry, including:

• Adds child care providers to the list of adults who can be present when DCF interviews a child without the permission of parents or guardian.
• Allows the department to investigate the identity of other children who may be at risk in the child’s home environment or other children who may be at risk if the abuse was committed by someone who is not a member of the child’s household.
• Allows the department to provide assistance to any child (and their family) for whom the departments initiates an investigation, regardless of whether the department substantiates abuse and neglect.
• Requires the department to request assistance from law enforcement in their investigations if:
  o The alleged perpetrator is age 10 or older;
  o The investigation regards an allegation of serious physical abuse or neglect that is likely to result in criminal charges or require emergency medical care; or
  o Situations potentially dangerous to the child or department worker.
• Creates an administrative review and appeals process prior to any name being placed on the child abuse registry.
• Clarifies that a registry record is “an entry in the child abuse and neglect registry that consists of the name of an individual substantiated for child abuse or neglect, the date of the finding, the nature of the finding, and at least one other personal identifier, other than a name, listed in order to avoid the possibility of misidentification.”
• Expands the list of employers who can have access to child abuse registry records to include employers providing transportation services to children or vulnerable adults.

• Creates a new system for challenging one’s placement on the child abuse registry. Under the new process, the department must notify in writing the subject of an investigation if they determine that a report should be substantiated. The subject of the investigation then has 14 days to request an administrative review of the substantiation. Within 14 days of the request, the department must hold an administrative review conference, at which time the person who requested the review has the opportunity to present documentary evidence or other information. The department has the burden of proving that it has accurately and reliably concluded that a reasonable person would believe that the child has been abused or neglected by that person. An administrative reviewer then has seven days to reject the substantiation, accept the substantiation, or place the determination on hold and direct the department to investigate further. After the reviewer makes a decision, they must provide notice within seven days to the person requesting the review. The person who requested the review then has the opportunity to appeal the decision to the Human Services Review Board within 30 days. The Board will hold a hearing within 60 days of the appeal. If no appeal is requested, the decision of the reviewer is final.

• Creates a new system for a person who has been on the child abuse registry for at least seven years to request that their record be expunged. The person shall have the burden of proving that a reasonable person would believe that he or she no longer presents a risk to the safety or well-being of children. A person may seek a review by the commissioner no more than once every 36 months. Decisions made at the review are appealable to the Human Services Board.

• Registry entries concerning a person who was substantiated for behavior occurring before the person reached 10 years of age shall be expunged when the person reaches the age of 18, provided that the person has had no additional substantiated registry entries.

• Directs the commissioner of the Department for Children and Families to conduct a study on the following topics: the need for AHS to have authority to conduct criminal background checks on individuals providing care, custody, treatment, transportation, or supervision for children or vulnerable adults; the need for reciprocal agreements with New York, Massachusetts, and New Hampshire to share child abuse registry information; the need for broadened authority for employers providing care, custody, treatment, transportation, or supervision for children or vulnerable adults to perform criminal background checks on prospective and current employees; whether there should be a tiered approach to the investigation and substantiation of child abuse or neglect that is based upon the severity of the behavior and the risk to children and the community and that establishes appropriate corresponding consequences and protections; and issues related to substantiation of minors. The commissioner must consult with
a range of organizations, including the Network. Report is due to the legislature by November 1, 2007.

• Makes changes to the Sex Offender Registry (13 VSA §§ 5401-5411), creating a new category of “noncompliant high-risk sex offenders” who are subject to increased registry requirements.
  o Noncompliant high-risk sex offenders includes offenders who:
    ▪ Are incarcerated on or after July 1, 2007.
    ▪ Were convicted of L&L with a child, sexual assault, or aggravated sexual assault, or attempts of those three crimes.
    ▪ Are not already subject to the new indeterminate life sentencing law passed in 2006 (which took effect May 26, 2006 and applies to crimes committed after that date).
    ▪ Are designated by the Department of Corrections as high risk, pursuant to 13 VSA § 5411b.
    ▪ Are designated by DOC as noncompliant with sex offender treatment as defined in DOC directives.
  o Noncompliant high-risk sex offenders are subject to the following heightened sex offender registry reporting requirements:
    ▪ Must report to the Department of Public Safety (DPS) within 15 days of release from prison, and every 30 days thereafter.
    ▪ Must report to DPS prior to any change in address, postsecondary educational enrollment, or employment; if the change is unanticipated, they must report the change within one day.
    ▪ Must provide the department with the make, model, color, registration, and license plate number of any vehicle the person operates prior to operation. An offender found in operation of a vehicle not on the list provided to the department shall be considered to be in violation.
    ▪ Must update their digital photo annually; when the department contacts them to come in for a photo update, they must comply within 30 days.
    ▪ The department must conduct periodic unannounced registry compliance checks on noncompliant high-risk sex offenders to verify the accuracy of registry information.
  o A noncompliant high-risk sex offender can petition to be relieved of these heightened requirements once every five years. The offender must prove that he or she is no longer a high-risk offender according to DOC’s definition and that he or she has completed sex offender treatment.
  o A noncompliant high-risk sex offender who knowingly fails to comply with any of these requirements faces a criminal charge. The penalty for the crime is five years to life in prison, and they can be fined up to $50,000. The sentence can be suspended in whole or in part, but only if the offender is subject to intensive supervision by the DOC.
sentenced for violating these heightened registry requirements will be
subject to indeterminate life sentencing under 13 VSA § 3271.

- Authorizes an additional staff position within the Prisoners’ Rights Office at the
  Defender General’s Office, “to ensure that the due process rights of prisoners
  subject to this chapter are protected”. Requests that the administration and the
  legislature consider an appropriation of $75,000 for this position in the 2009
  budget.

Effective Date: The Administrative Review and Human Services Board review sections
pertaining to DCF substantiation and the child abuse registry will be effective on
September 1, 2007; the staff position in the Prisoner’s Rights Office is effective July 1,
2008; all other sections are effective on passage (June 7, 2007).

**Act No. 65/ H. 537: An Act Relating to Making Appropriations for State
Government**
A.K.A. the budget or “the big bill”. The budget for FY08 contains level funding for
services for domestic and sexual violence survivors provided by the sixteen Member
Programs of the Vermont Network. However, due to a shift in funding sources that is
authorized in the budget, the Center for Crime Victim Services will be able to increase
federal Victims of Crime Act (VOCA) grants to victim services organizations, including
Network Member Programs, by 27%.

Other highlights from the budget:

- Just under a half million dollars for special investigation units around the state.
  (Sec. 64)

- A $50,000 grant through the Center for Crime Victim Services for certified
  batterer intervention programs. (Sec. 78)

- A loan of up to $100,000 from the Restitution Fund for construction of the
  Courage in Bloom memorial garden. (Sec. 78a)

- $190,000 for the Center for Crime Victims Services to provide grants to
  organizations that provide services to victims of domestic violence. “These funds
  shall be used for programs that are designed to prevent domestic violence and
  are targeted at the needs of children in families affected by domestic violence.”
  (Sec. 78b)

- From tobacco settlement funds (Sec. 104):
  - $54,000 shall be used to provide a grant to the project against violent
    encounters for a statewide program for substance abuse prevention and
    mentoring for youth.
  - $143,000 shall be used for a grant to Lamoille County people in
    partnership for wrap-around services for at-risk youth.
$100,000 with any corresponding federal matching funds shall be for comprehensive treatment services and $15,000 shall be for housing provisions for at-risk youth.

- A report by the Attorney General and the Secretary of Human Services regarding community-based programs in Vermont that are alternatives to traditional criminal justice and correctional services, including court diversion, restorative probation and street checker programs and community justice centers. The report will include a listing of the various programs, caseloads and case information; funding sources and amounts; relationship of programs to other criminal justice and human services entities; recommendations for continuation, expansion, elimination, or consolidation of these programs or other changes that will result in more efficient and effective use of available resources; and information about models, practices or programs from other states or localities. Report is due to the legislature by December 15, 2007. (Sec. 104a)

- The secretary of the agency of human services and the commissioner of finance and management shall present to the joint fiscal committee for approval a plan to realign the structure of the department of health. The plan shall include changes required as a result of Act No. 15 of 2007, establishing a department of mental health. (Sec. 115a)

- $100,000 appropriated to the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programming which is currently not supported by federal funds due to federal restrictions. These funds shall be used for HIV/AIDS prevention purposes, including, but not limited to, improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; anti-stigma campaigns; and promotion of needle exchange programs. (Sec. 119)

- $35,000 shall be used to support the drug court program in Chittenden County, $25,000 shall be used to support the drug court program in Rutland County, and $25,000 shall be used for court coordination in Bennington County. [Bennington County is beginning an integrated domestic violence court]. (Sec. 122)

- Substance abuse treatment system report and plan: the department of health shall convene a high level task force to include representation and participation from members of the preferred provider treatment system, to review the treatment services currently in place and to identify how to integrate them into a more systematic response to addictive problems. Report and plan due to legislature by January 15, 2008. (Sec. 122b)

- Commissioner of mental health: the commissioner of mental health shall be responsible for the implementation of a comprehensive strategic plan for the
delivery of services currently provided by the Vermont state hospital developed as part of long-range planning for a comprehensive continuum of care for mental health services.  

(Sec. 124a)

- There is created an advisory council for mental health services transformation. Members of the council shall be appointed by the commissioner of mental health and shall include consumers and their family members.  

(Sec. 124d)

- $14,000 in general funds shall be provided as a grant to the Vermont girl scouts for a program enabling girl scouts and their siblings to visit mothers in prison.  

(Sec. 126)

- $100,000 may be allocated for teen parent education programs.  

(Sec. 127)

- Authorization for fingerprint background checks for potential foster parents, to comply with the federal Adam Walsh Act.  

(Sec. 127b)

- $527,000 in federal TANF funds and $50,000 in general funds are allocated to the department for children and families to provide families with rental or mortgage arrearage assistance under section 2114 of Title 33.  

(Sec. 136)

- Commencing with state fiscal year 2007 and for a period of up to three years, the agency of human services may establish a pilot assistance program within the general assistance program to create flexibility to provide these general assistance benefits. The purpose of the pilot program is to mitigate poverty and serve applicants more effectively than they are currently served with the same amount of general assistance funds. The pilot program shall operate consistent within existing statutes and rules except that it may grant exceptions to this program’s eligibility rules and may create programs and services as alternatives to these rules during the period of the pilot program.  

(Sec. 137)

- The department for children and families shall analyze state-funded programs to determine whether the programs meet the federal requirements for TANF maintenance-of-effort in order to maximize the excess maintenance-of-effort available to the state, to increase state flexibility in operating the state’s TANF-funded, solely state-funded, and separate state-funded programs, and to avoid federal financial penalties.

Beginning in state fiscal year 2007, the department of taxes shall record and report the amount of earned income tax credit provided to families which include a dependent child to the department for children and families. The department for children and families shall claim this amount as a use of federal temporary assistance for needy families (TANF) block grant funds. The amount reported shall meet the requirements of federal law for purposes of reporting the TANF block grant funds.  

(Sec. 139)
• Creates a traumatic brain injury study committee to evaluate the nature and scope of the need of Vermonters for help in performing activities of daily living as a result of traumatic brain injury, stroke and substance induced brain injury. The committee shall also analyze insurance coverage for these conditions. Report due by December 15, 2007. (Sec. 152a)

• Directs DOC to develop a plan to decrease the cost of incarcerating offenders. The plan shall consider and recommend a variety of options to reduce facility costs, including but not limited to:
  (1) Closing the Dale women’s facility and changing the use of the southeast state correctional facility in Windsor from a women’s correctional facility to either a work camp or a minimum security prison for men.
  (2) Renovating the Chittenden regional correctional facility in South Burlington in order to make it into a women’s correctional facility.
  (3) Using one or more correctional facilities as detention facilities.
  (4) Seeking contracts with public and private correctional services at out-of-state facilities that are as close to this state as possible.
  (5) Using existing facilities more efficiently by closing some facilities and replacing lost capacity by expanding others.
  (6) Establishing a dedicated substance abuse treatment facility.

The plan shall also consider and recommend a variety of options to reduce incarceration costs by $4,000,000, one-half of which shall be reinvested in reentry services. Options considered shall include at a minimum:
  (1) Recommending changes to department policies and practices that will result in a reduction of at least 10 percent in the number of inmates incarcerated for nonviolent offenses by June 30, 2008.
  (2) Using less costly community-based alternatives to incarceration for nonviolent offenders.
  (3) Amending the eligibility criteria in order to expand the use of electronic monitoring through a global positioning system as means of reducing the nonviolent incarcerated population.
  (4) Providing in communities a continuum of treatment approaches for substance abuse, ranging from intensive outpatient services to secure treatment, for nonviolent offenders with mental health and substance abuse problems.

Plan will be presented to joint fiscal committee and the joint corrections oversight committee by November 1, 2007. (Sec. 153a)

• Creates a bipartisan, multi-branch justice reinvestment initiative working group to work with the Justice Center of the Council of State Governments to: analyze the corrections inmate population and spending to gain an understanding of why our corrections population is growing and why Vermont has very high recidivism rates; and develop options that will result in decreased spending on corrections and increased public safety. Report by December 15, 2007. (Sec. 153b)
• One-time funding initiatives (Sec. 162a):
  (1) $100,000 to the department of disabilities, aging, and independent living for a state center on aging.
  (2) $100,000 to the department of disabilities, aging, and independent living for a grant to the area agencies on aging.
  (3) $50,000 to the department of health for a grant to the Serenity house program.
  (4) $35,000 to the department for children and families-office of economic opportunity for a grant to the micro business development program.
  (5) $35,000 to the department for children and families-office of economic opportunity for a grant to community action programs for the individual development accounts (IDA) program.
  (6) $856,000 to the department for children and families-family services for grants to programs and services to enhance the well-being of Vermont children as follows:
    (A) $250,000 for grants to mentoring programs statewide;
    (B) $75,000 to the Vermont coalition of teen centers;
    (C) $100,000 for post-adoption services;
    (D) $100,000 for flexible funding needs of the department’s field offices;
    (E) $100,000 for grants to teen parent education programs;
    (F) $75,000 for the building bright futures facilities fund;
    (G) $39,000 for equal grants to each of the thirteen “learning together” programs;
    (H) $20,000 for the “Voices” film project of Kingdom County Productions, a collaborative program for Vermont youth;
    (I) $15,000 to the Vermont coalition for homeless and runaway youth;
    (J) $6,000 to the kids on the block program;
    (K) $6,000 to the kid safe collaborative program;
    (L) $70,000 to prevent child abuse Vermont. Prevent child abuse Vermont shall submit a report to the house and senate committees on appropriations by December 15, 2007 on their statewide curriculum for child protection.

• $30,000 special fund allocation for the domestic and sexual violence survivors’ transitional employment program. (Sec. 166)

• $300,000 loan from the Restitution Fund to a school district to pay for a budget deficit that arose solely from the unexpected cost of paying for additional personnel who were needed purely because of extraordinary circumstances resulting in the loss of life of school personnel on school grounds. To be repaid in full by the district over five years. (Sec. 170)

• Creates a state law enforcement study committee to: review and evaluate options for making state policing and enforcement services more effective; identify the various state policing and enforcement services, their respective core...
missions and priorities, areas of specialized training and expertise, and the operational and fiscal relationships among these services; focus recommendations on the need for a higher volume of police and enforcement services, lowering response times, eliminating duplication of effort, lowering overall operating expenses, enhancing training opportunities, tightening coordination, strengthening communications, and sharing information, and enhancing the overall quality of state policing and enforcement services; study the overtime expenditures of the department of public safety; and consider a demonstration pilot program in up to three Vermont communities to utilize sheriffs, constables and municipal police officers to answer complaints and undertake follow-up investigations in these communities in lieu of state troopers. Committee will report to house and senate appropriations committees by December 15, 2007. (Sec. 293c)

- The defender general and the executive director of the department of state’s attorneys, in consultation with the chief justice of the judiciary or his or designee, and the commissioner of corrections, shall work to develop a five year plan to address existing caseload and staffing levels in the Chittenden County public defense office and the department of state’s attorneys. Plan must be completed by November 1, 2007. (Sec. 293d)

- The commissioner of education shall consult with the Vermont teacher diversity program and other interested parties to develop strategies to increase recruitment and retention of racially and ethnically diverse teachers in Vermont public schools. On or before January 15, 2008, the commissioner shall report to the senate and house committees on education concerning the parties consulted; the strategies considered; including the feasibility of establishing a student loan repayment program; and a plan for implementing those strategies deemed to be effective in recruiting and retaining racially and ethnically diverse teachers. (Sec. 294)

More information is available about any of these acts, or the many other bills that didn’t become law this session, on the state’s legislative website: www.leg.state.vt.us

You can also contact Sarah Kenney for more information, and to be added to the Network’s legislative alert email list: sarahk@vtnetwork.org or 802-223-1302 x.116.

Many, many thanks to the courageous victims and survivors who were willing to share their experience, pain and great ideas with legislators and policymakers. Your insights make a world of difference. Thanks also to the dedicated advocates and allies who comprise the Legislative Committee of the Vermont Network. Your dedication and wisdom help to make much better laws!