Following is a list of laws passed during Vermont’s 2009 legislative and special sessions that impact victims/survivors of sexual and domestic violence.

More information is available about any of these acts, or the many other bills that didn’t become law this session, on the legislative website: [www.leg.state.vt.us](http://www.leg.state.vt.us). You can also contact Sarah Kenney at the Network Office for more information or to be added to the Network’s legislative alert email list: sarahk@vtnetwork.org or 802-223-1302.

**Act No.1/S.13: An Act Relating to Vermont’s Sexual Abuse Response System**
This law is based on the recommendations contained in the Senate Judiciary Committee’s “34-Point Comprehensive Plan for Vermont’s Sexual Abuse Response System”, inspired by their investigation into the murder of Brooke Bennett. The act contains significant changes to the laws regarding sexual violence, as well as greatly expanded funding for Special Investigation Units. For more details on this act, see the Network’s S.13 fact sheet. Highlights include:

- A focus on prevention, including a change to the definition of “comprehensive health education” to require schools to provide education on sexual violence and healthy relationships; new background check requirements for teachers and school personnel as well as training requirements for school personnel and child care workers; a requirement that the Agency of Human Services (AHS) provide community outreach about sexual violence; and formal creation of the Vermont Center for Prevention and Treatment of Sexual Abuse;
- Creates new crimes of Aggravated Sexual Assault of a Child (with a mandatory minimum prison sentence of 25 years – 13 V.S.A. § 3253a) and Sexual Exploitation of a Minor (13 V.S.A. § 3258); expands Special Investigation Units; expands collection of DNA to include some convicted
• misdemeanants as well as everyone charged with felonies; and expands protections for child victims who are called as witnesses in the prosecution of crimes of sexual violence;
• Changes the way deferred sentences may be used for people convicted of crimes of sexual violence (this section is changed again in Act 58/S.125); expands presentence investigations and allows courts further access to sealed juvenile records for the purposes of sentencing and supervising offenders;
• Expands probation conditions for sex offenders; requires greater communication between the department of corrections and the department for children and families when offenders are being released from incarceration; requires extensive reports from the department of corrections; and
• Expands the lists of professionals required to report suspected child abuse and neglect; and urges local communities not to enact sex offender residency restrictions.

Effective Date: Varies by section; new crimes effective on passage (March 4, 2009); most other sections effective on passage or on July 1, 2009.

★ Act No.58 /S.125: An Act Relating to Expanding the Sex Offender Registry
This law builds on the provisions contained in Act 1/S.13 and attempts to address some of the requirements of the federal Adam Walsh Act. Highlights include:
• Explains some of the challenges of compliance with the federal Adam Walsh Act and analysis of some of the flaws in the federal law;
• Creates a new crime of sex trafficking (13 V.S.A. § 2635a);
• Creates a new juvenile crime called “minor electronically disseminating indecent material to another person” (13 V.S.A. § 2802b), intended to address concerns about potential child pornography charges against minors engaging in voluntary, consensual (though ill-advised) transmission of indecent photos of themselves via electronic devices; Requests that the Sexual Violence Prevention Task Force provide education to youth, adults and communities about the risks of using electronic devices to transmit indecent and inappropriate images;
• Expands the sex offender registry to include people convicted of federal crimes, people convicted of the new crimes of aggravated sexual assault of a child, sexual exploitation of a minor, and sex trafficking, and anyone who
moves to Vermont who was required to register as a sex offender in another location;

- Expands the internet sex offender registry to include many more offenders and to allow citizens to search the internet registry by city or town; also posts addresses on the internet sex offender registry for certain higher-risk sex offenders (starting in 2010);
- Requires probate courts to check with the sex offender registry prior to allowing legal name changes, and prohibits the court from allowing a registered sex offender to change their name unless the court finds there is a compelling reason to do so;
- Changes the criminal statute of limitations for certain crimes of sexual violence against victims under 18: prosecutions must now be commenced by the time the victim turns 24 or within ten years from the date the crime is reported (was six years);
- Makes miscellaneous changes related to sentence calculation, special management meals in DOC, fingerprinting, and deputy state’s attorneys; and
- Further amends the law related to deferred sentences (revises changes made in Act 1): effective July 2, 2009, any entity subject to an expungement order at the conclusion of a deferred sentence for a felony sex offense will be allowed to retain its own records for future investigations.

Effective Date: varies; most sections effective July 1, 2009, except that some of the sex offender registry changes will take effect upon completion of an audit of the accuracy of sex offender registry information.

★ **Act No.12/H.204: An Act Relating to Payment of Diversion Program Fees**
This law requires participants in juvenile and adult diversion programs to pay their program fee prior to successfully completing the program.

Effective Date: July 1, 2009; a “sunset provision” means the law will be automatically repealed on July 1, 2011 unless it is reauthorized.

★ **Act No.14/H.205: An Act Relating to Reporting to the Vermont Criminal Justice Training Council**
This law creates new requirements for municipalities, police chiefs, sheriffs and state agencies employing law enforcement officers to notify the Criminal Justice Training Council any time a law enforcement officer is appointed or removed. Municipalities are also required to notify the Council any time they create or eliminate a police department.

Effective Date: July 1, 2009.

★ **Act No.19/S.38: An Act Relating to Requiring the Department of Finance and Management to Annually Publish on its Website a Report on Grants Issued by Executive Branch Agencies**
This law will require the Dept. of Finance and Management to post on the state website an annual report on all federal grants that were made through any state agency beginning in 2009; in 2014 the report will be expanded to all federal and state grants.

Effective Date: July 1, 2009 for federal grant information; July 1 2014 for all state grants.

★ **Act No.26/S.2: An Act Relating to Offenders with a Mental Illness or other Functional Impairment**
This law changes the statutes pertaining to Department of Corrections’ screening and services for and treatment of offenders with mental illness. The statute is changed from “serious mental illness” to “serious functional impairment”, which is more inclusive of people with developmental disabilities, traumatic brain injuries, or other forms of dementia or neurological disorders that impair the person’s ability to function in a correctional setting. The new law requires the DOC to perform a trauma-informed screening of every incoming offender, to screen for signs of mental illness or disorder (which can include PTSD) or serious functional impairment. The act also requires a quarterly report from AHS to the Legislative Corrections Oversight Committee regarding integration of services through the judiciary, AHS and community agencies for people with serious functional impairments.

Effective Date: July 1, 2009; quarterly report will cease on July 1, 2012.
This act corrects some technical omissions in the comprehensive rewrite of the juvenile code in 2008, and creates guidelines for transporting children who are undergoing juvenile proceedings and in the custody of the Department for Children and Families.

Effective Date: May 21, 2009.

Act No.43/H.45: An Act Relating to Capital Construction and State Bonding
The “Capital Bill” again provides $50,000 funding in state fiscal year 2010 to the Center for Crime Victim Services for renovations to domestic violence shelters to improve compliance with the Americans with Disabilities Act.

Act No.47/H.136: An Act Relating to Executive Branch Fees
The “Fee Bill” raises the fee surcharge imposed on people who commit crimes and traffic violations to $41.00, with the additional revenue going to the Victims Compensation Fund. It also imposes an additional $100 fine on any criminal offense, with the revenue going to the Specialized Investigative Units (SIU) Grants Board to fund staffing for SIUs around the state.

Effective Date: These two sections will pertain to all offenses committed after July 1, 2009.

Act No.55/S.26: An Act Relating to Recovery of Profits From Crime, the Disposition of Property Upon Death, Transfer of Interest in Vehicle Upon Death, Homestead Exemption, Unclaimed Property, Credit Card Fee Disputes, and Patient’s Privilege
This act became a “Christmas tree” bill, with several different bills rolled into one. Some highlights:
• Creates a civil remedy for crime victims to sue an offender to recover any profits that the offender makes as a result of the commission of the crime. The state Attorney General may also bring a suit against the offender to recover any profits in order to help defray the cost to the state of providing an attorney and of incarcerating the defendant;
• Prohibits someone who intentionally and unlawfully kills someone else from receiving any inheritance, property, trust, or other profit or benefit from the estate of the person they killed;
• Creates a new statute outlining the state’s general principle that someone who intentionally kills someone else should not profit or benefit from that crime. The statute empowers the court to re-distribute property, interest, power or benefits to make sure the offender doesn’t profit from the crime;
• Sets out new rules for the transfer of property/estate to a decedent’s survivors (surviving spouse, descendants and other relatives) when there is no will;
• Requires health and mental health practitioners to disclose any information about a deceased patient’s physical or mental health to the state Medical Examiner upon request; and
• Directs the Commission on Judicial Operation to study whether it is constitutional for someone to serve as both probate judge and assistant judge at the same time.

Effective Date: Varies by section: some sections were effective on passage (June 1, 2009); the rest take effect on July 1, 2009.

A.K.A. the budget or “the big bill”. This year’s budget contains level funding for domestic and sexual violence services at Network Member Programs. It also contains language directing that any revenue from the 2008 increase in the surcharge on criminal and traffic fines should continue to be directed to the Network Against Domestic and Sexual Violence, up to $883,000 (this is the additional funding for domestic and sexual violence services from the 2008 domestic violence omnibus bill, S.357).

Other highlights from the budget:
• Language directing the Secretary of AHS to make $740,000 in cuts, with no more than $425,000 coming from the budget for DCF. AHS is directed to prioritize preservation of direct services for Vermonters, especially vulnerable populations;
• A study of the fiscal impact of allowing “quasi-public” organizations like the Center for Crime Victim Services to access state health insurance and other benefits programs;
• Extension of the Commission on Judicial Operation to examine operational expenses of the courts and to make recommendations about consolidation of court staff regionally and statewide, possible regionalization of court functions, use of technology to limit expenses, and other topics with a target of $1,000,000 in savings in the FY2011 budget;
• Language directing stakeholders to develop procedures for regional arraignments and for incarcerated defendants to appear by video or telephone to reduce transportation costs;
• A study of E-911 and dispatching services around the state and recommendations to integrate systems and technologies;
• $54,000 from tobacco settlement funds for Project Against Violent Encounters for a statewide program for substance abuse prevention and mentoring for youth;
• $14,000 grant to the VT Girl Scouts for a program to enable Girl Scouts and their siblings to visit their mothers who are in prison;
• Direction to DCF to create a proposal to restructure the child care subsidy rate structure;
• Language allowing AHS to continue current General Assistance pilot programs to provide flexibility in provision of housing services;
• Language allowing AHS to set up a separate housing assistance program with federal recovery act (ARRA) funds. The ARRA program will grant funding to community service providers with “experience and expertise in serving the homeless or those at risk for homelessness”;
• Language directing DOC to explore converting the Newport correctional facility into a federal detention center; and
• Creation of a rental subsidy pilot program for offenders re-entering communities.

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!