

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 41  
3 entitled “An act relating to referral of domestic and sexual violence cases to  
4 community justice centers” respectfully reports that it has considered the same  
5 and recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 \* \* \* Authority to Refer Domestic and Sexual Violence Cases to Community  
8 Justice Centers in Accordance with Attorney General Protocols \* \* \*

9 Sec. 1. 24 V.S.A. § 1966 is amended to read:

10 § 1966. COMMUNITY JUSTICE CENTERS’ RELATIONSHIP WITH  
11 STATE GOVERNMENT ENTITIES

12 (a) Support from the Agency of Human Services. The Agency of Human  
13 Services shall provide to the community justice centers the information,  
14 analysis, and technical support that the community justice centers, in  
15 collaboration with the Agency of Human Services, determine are necessary to  
16 further their policy of restorative justice.

17 (b) Support from the Office of the Attorney General. The Community  
18 Justice Unit of the Office of the Attorney General shall provide to the  
19 community justice centers support for domestic violence and sexual violence  
20 case referrals in accordance with section 1968 of this title.

1        (c) Funding from the Agency of Human Services. The Agency of Human  
2        Services may provide funding and authorize community justice centers to  
3        participate in the implementation of State programs related to juvenile and  
4        criminal offenses.

5        ~~(e)~~(d) Access to information. Community justice center employees and  
6        volunteers participating in State-funded programs shall have access to  
7        information, analysis, and technical support as necessary to carry out their  
8        duties within the program in accordance with State and federal confidentiality  
9        statutes and policies. Victim information that is not part of the public record  
10       shall not be released without the victim’s consent.

11       ~~(d)~~(e) Liability.

12            (1) For the purposes of defining liability, community justice center  
13        volunteers participating in programs funded by the Agency of Human Services  
14        pursuant to subsection ~~(b)~~(c) of this section shall be considered volunteers of  
15        that agency.

16            (2) In all other cases, the State and the municipality shall each be liable  
17        for the acts and omissions of employees operating within the scope of their  
18        employment.

19        Sec. 2. 24 V.S.A. § 1967 is amended to read:

20        § 1967. CASES PROHIBITED

1        No case involving domestic violence, sexual violence, sexual assault, or  
2        stalking shall be referred to a community justice center except ~~in~~ through  
3        Department of Corrections offender reentry programs pursuant to protocols  
4        protecting victims, or as provided in section 1968 of this title. The community  
5        justice centers shall work with the Department of Corrections and the Center  
6        for Crime Victim Services or its designee to develop victim safety protocols  
7        for community justice centers that take into consideration victim needs such as  
8        safety, confidentiality, and privacy.

9        Sec. 3. 24 V.S.A. § 1968 is added to read:

10        § 1968. REFERRALS FOR DOMESTIC VIOLENCE AND SEXUAL  
11        VIOLENCE CASES; ATTORNEY GENERAL PROTOCOLS

12        (a) Notwithstanding section 1967 of this title, community justice centers  
13        may accept referrals for domestic violence and sexual violence cases, provided  
14        the community justice center has a current and executed memorandum of  
15        understanding with a local member organization of the Vermont Network  
16        Against Domestic and Sexual Violence (Vermont Network). Such  
17        memorandums of understanding shall include protocols set forth in subsection  
18        (c) of this section.

19        (b) If the restorative justice approach set forth in the memorandum of  
20        understanding includes law enforcement or prosecutor referrals, a prosecutor

1 and law enforcement agency with jurisdiction shall be party to the  
2 memorandum of understanding.

3 (c) On or before July 1, 2024, the Community Justice Unit of the Office of  
4 the Attorney General (Community Justice Unit), in consultation with the  
5 Vermont Network and the Center for Crime Victim Sevices, shall create  
6 guidance for memorandums of understanding. Memorandums of  
7 understanding shall include protocols that:

8 (1) establish a defined approach based on evidence or an established,  
9 promising program;

10 (2) prioritize victim safety;

11 (3) include voluntary referral and participation by parties;

12 (4) require initial and annual training for relevant community justice  
13 center staff, facilitators, and volunteers on the dynamics involving domestic  
14 violence and sexual violence, trauma-informed approaches, and restorative  
15 justice principles;

16 (5) establish roles and participation of the community justice center, the  
17 local domestic and sexual violence organization, and other community partners  
18 as needed;

19 (6) establish written confidentiality standards that ensure constitutional  
20 protections and the privacy of participants;

1           (7) establish universal data collection standards developed by the Unit;

2           and

3           (8) establish written annual evaluation and quality improvement plans  
4           and processes that engage community and system stakeholders.

5           (d) The Community Justice Unit shall review each memorandum of  
6           understanding to ensure compliance with the protocols set forth in subsection  
7           (c) of this section and guidance created by the Community Justice Unit and the  
8           Vermont Network Against Domestic and Sexual Violence. The Community  
9           Justice Unit may engage other stakeholders who are relevant to the defined  
10           approach under consideration in the review process.

11           (e) Once a memorandum of understanding has been verified for compliance  
12           by the Community Justice Unit and has been executed by the parties,  
13           community justice centers may accept referrals involving domestic violence or  
14           sexual violence.

15           (f) All information collected or provided in preparation for, during, or as  
16           follow-up to the provision of programming pursuant to this section shall be  
17           confidential and shall not be subject to the Vermont Open Meeting Law and  
18           shall not be used against any participant in any criminal, civil, family, or  
19           juvenile investigation, prosecution, or case for any purpose, including  
20           impeachment or cross-examination, except:

1           (1) for the purpose of research and reports that do not establish the  
2           identity of individual participants;

3           (2) where there is a threat or statement of a plan that a person may  
4           reasonably believe is likely to result in death or bodily injury to themselves or  
5           others or damage to the property of another person;

6           (3) when disclosure is necessary to report bodily harm any party causes  
7           another during the restorative justice programming;

8           (4) where there is a reasonable suspicion of abuse or neglect of a child  
9           or vulnerable adult and a report is made in accordance with the provisions of  
10          33 V.S.A. § 4914 or 33 V.S.A. § 6903, or to comply with another law; or

11          (5) where a court or administrative tribunal determines that the materials  
12          were submitted by a participant to the program for the purpose of avoiding  
13          discovery of the material in a court or administrative proceeding.

14          (g) Information related to any offense that a person divulges during the  
15          provision of programming pursuant to this section shall not be used against the  
16          person in the person’s criminal or juvenile case for any purpose, including  
17          impeachment or cross-examination.

18          Sec. 4. REPORT; COMMUNITY JUSTICE UNIT OF THE OFFICE OF  
19                    THE ATTORNEY GENERAL

20          (a) On or before December 1, 2025, the Community Justice Unit, in  
21          collaboration with the Vermont Network, and the participating community

1 justice centers shall submit an interim report to the House and Senate  
2 Committees on Judiciary regarding the establishment of memorandums of  
3 understanding pursuant to 24 V.S.A. § 1968, the status of implementation of  
4 programming, and the available resources and capacity for such programming.

5 (b) On or before July 1, 2028, the Community Justice Unit, in collaboration  
6 with the Vermont Network, and the participating community justice centers  
7 shall submit a final report to the House and Senate Committees on Judiciary  
8 regarding the establishment of memorandums of understanding pursuant to 24  
9 V.S.A. § 1968, the status of implementation of programming, available data on  
10 effectiveness of programming, and the available resources and capacity for  
11 such programming.

12 \* \* \* Effective Date \* \* \*

13 Sec. 5. EFFECTIVE DATE

14 This act shall take effect on passage.

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16  
17  
18 (Committee vote: \_\_\_\_\_)

19 \_\_\_\_\_  
20 Representative \_\_\_\_\_  
21 FOR THE COMMITTEE