

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 27
3 entitled “An act relating to coercive controlling behavior and abuse prevention
4 orders” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 * * * Coercive Controlling Behavior * * *

8 Sec. 1. 15 V.S.A. § 1101 is amended to read:

9 § 1101. DEFINITIONS

10 ~~The following words as used in this chapter shall have the following~~
11 ~~meanings~~ As used in this chapter:

12 (1) “Abuse” means:

13 (A) the occurrence of one or more of the following acts between
14 family or household members:

15 ~~(A)(i) Attempting~~ attempting to cause or causing physical
16 harm;

17 ~~(B)(ii) Placing~~ placing another in fear of imminent serious
18 physical harm;

19 ~~(C)(iii) Abuse~~ abuse to children as defined in 33 V.S.A.
20 chapter 49, subchapter 2;

1 ~~(D)~~(iv) ~~Stalking~~ stalking as defined in 12 V.S.A. § 5131(6);

2 or

3 ~~(E)~~(v) ~~Sexual~~ sexual assault as defined in 12 V.S.A.

4 § 5131(5); or

5 (B) coercive controlling behavior between family or household
6 members.

7 (2)(A) “Coercive controlling behavior” means a pattern of conduct that
8 has the purpose or effect of substantially restricting the plaintiff’s safety or
9 autonomy through implicit or explicit threats, intimidation, or by compelling
10 compliance. Coercive controlling behavior may include a pattern of any of the
11 following:

12 (i) monitoring or surveilling the plaintiff’s personal activities;

13 (ii) manipulating the plaintiff’s mental health status to the
14 detriment of the plaintiff;

15 (iii) isolating the plaintiff from family or friends or the
16 opportunity to participate in a faith community or employment;

17 (iv) repeatedly humiliating the plaintiff or using degrading
18 language toward the plaintiff;

19 (v) threatening to harm or abduct the plaintiff or the plaintiff’s
20 children or animals that are connected to the family;

1 (vi) threatening to contact local or federal authorities based on the
2 actual or perceived immigration status of the plaintiff or the plaintiff’s children
3 or threatening to jeopardize the immigration application status of the plaintiff
4 or the plaintiff’s children; or

5 (vii) depriving the plaintiff of the means needed for independence,
6 resistance, or escape.

7 (B) Coercive controlling behavior does not include conduct taken by
8 a plaintiff to protect themselves or the plaintiff’s children from the risk of
9 present or future harm.

10 (3) “Household members” means persons who, for any period of time,
11 are living or have lived together, are sharing or have shared occupancy of a
12 dwelling, are engaged in or have engaged in a sexual relationship, or minors or
13 adults who are dating or who have dated. “Dating” means a social relationship
14 of a romantic nature. Factors that the court may consider when determining
15 whether a dating relationship exists or existed include:

16 (A) the nature of the relationship;

17 (B) the length of time the relationship has existed;

18 (C) the frequency of interaction between the parties; and

19 (D) the length of time since the relationship was terminated, if
20 applicable.

1 ~~(3)~~(4) A “foreign abuse prevention order” means any protection order
2 issued by the court of any other state that contains provisions similar to relief
3 provisions authorized under this chapter, the Vermont Rules for Family
4 Proceedings, 33 V.S.A. chapter 69, or 12 V.S.A. chapter 178.

5 ~~(4)~~(5) “Other state” and “issuing state” shall mean any state other than
6 Vermont and any federally recognized Indian tribe, territory or possession of
7 the United States, the Commonwealth of Puerto Rico, or the District of
8 Columbia.

9 ~~(5)~~(6) A “protection order” means any injunction or other order issued
10 for the purpose of preventing violent or threatening acts or harassment against,
11 or contact or communication with or physical proximity to, another person,
12 including temporary and final orders issued by civil and criminal courts, other
13 than support or child custody orders, whether obtained by filing an
14 independent action or as a pendente lite order in another proceeding ~~so long as,~~
15 provided that any civil order was issued in response to a complaint, petition, or
16 motion filed by or on behalf of a person seeking protection.

17 ~~(6)~~(7) [Repealed.]

18 * * * Juvenile Jurisdiction and Domestic Violence * * *

19 Sec. 2. 33 V.S.A. § 5204(a) is amended to read:

20 (a) After a petition has been filed alleging delinquency, upon motion of the
21 State’s Attorney and after hearing, the Family Division of the Superior Court

1 may transfer jurisdiction of the proceeding to the Criminal Division of the
2 Superior Court if the child had attained 16 years of age but not 19 years of age
3 at the time the act was alleged to have occurred and the delinquent act set forth
4 in the petition is a felony not specified in subdivisions (1)–~~(12)~~(13) of this
5 subsection or if the child had attained 12 years of age but not 14 years of age at
6 the time the act was alleged to have occurred, and if the delinquent act set forth
7 in the petition was any of the following:

8 (1) arson causing death as defined in 13 V.S.A. § 501;

9 (2) assault and robbery with a dangerous weapon as defined in 13
10 V.S.A. § 608(b);

11 (3) assault and robbery causing bodily injury as defined in 13 V.S.A.
12 § 608(c);

13 (4) aggravated assault as defined in 13 V.S.A. § 1024;

14 (5) aggravated domestic assault as defined in 13 V.S.A. § 1043 or 1044;

15 ~~(5)~~(6) murder as defined in 13 V.S.A. § 2301;

16 ~~(6)~~(7) manslaughter as defined in 13 V.S.A. § 2304;

17 ~~(7)~~(8) kidnapping as defined in 13 V.S.A. § 2405;

18 ~~(8)~~(9) unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;

19 ~~(9)~~(10) maiming as defined in 13 V.S.A. § 2701;

20 ~~(10)~~(11) sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);

21 ~~(11)~~(12) aggravated sexual assault as defined in 13 V.S.A. § 3253; or

1

2 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE