

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, friends, or community or
16 the opportunity to participate in 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 family, friends, 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 family
3 or threatening to jeopardize the immigration application status of the plaintiff
4 or the plaintiff’s family;

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

7 (viii) controlling, regulating, or monitoring the plaintiff’s finances
8 or economic resources.

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

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

18 (A) the nature of the relationship;

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

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

1 (D) the length of time since the relationship was terminated, if
2 applicable.

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

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

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

19 ~~(6)~~(7) [Repealed.]

20 * * * Juvenile Jurisdiction and Domestic Violence * * *

21 * * * Elimination of Final Order Service when Defendant is Present * * *

1 Sec. 2. 15 V.S.A. § 1105(b)(1) is amended to read:

2 (b)(1) A defendant who attends a hearing held under section 1103 or 1104
3 of this title at which a temporary or final order under this chapter is issued and
4 who receives notice from the court on the record that the order has been issued
5 shall be deemed to have been served. A defendant notified by the court on the
6 record shall be required to adhere immediately to the provisions of the order.
7 ~~However, even when the court has previously notified the defendant of the~~
8 ~~order, the court shall transmit the order for additional service by a law~~
9 ~~enforcement agency.~~ The clerk shall mail a copy of the order to the defendant
10 at the defendant's last known address.

11 * * * Effective Dates * * *

12 Sec. 3. EFFECTIVE DATES

13 (a) This section and Sec. 2 shall take effect on passage.

14 (b) Sec. 1 shall take effect on July 1, 2023.

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20 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE