

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

8 § 1101. DEFINITIONS

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

11 (1) “Abuse” means:

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

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

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

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

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

20 (E)(v) ~~Sexual~~ sexual assault as defined in 12 V.S.A. § 5131(5); or

1 (B) coercive controlling behavior between family or household
2 members.

3 (2)(A) “Coercive controlling behavior” means a pattern of conduct that
4 has the purpose or effect of causing a reasonable person:

5 (i) to fear for the plaintiff’s safety or the safety of a family
6 member; or

7 (ii) to suffer substantial emotional distress.

8 (B) “Coercive controlling behavior” may include a pattern of any of
9 the following:

10 (i) monitoring or surveilling the plaintiff’s daily personal
11 activities;

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

14 (iii) isolating the plaintiff from family or friends or the
15 opportunity to participate in a faith community, employment, education, or
16 other support networks;

17 (iv) repeatedly humiliating, threatening, or intimidating the
18 plaintiff;

19 (v) threatening to harm or abduct the plaintiff or the plaintiff’s
20 children;

1 (vi) committing or threatening to commit harm to an animal that is
2 connected to the family;

3 (vii) threatening deportation or to contact local or federal
4 authorities based on actual or perceived immigration status of the plaintiff or
5 the plaintiff's family or threatening to jeopardize the immigration application
6 status of the plaintiff or the plaintiff's family;

7 (viii) depriving the plaintiff of the means needed for
8 independence, resistance, or escape, such as denying or impeding the
9 plaintiff's access to a vehicle, banking services, or the plaintiff's own
10 identification documents; or

11 (ix) controlling, regulating, or monitoring the plaintiff's finances
12 or economic resources; or

13 (x) controlling the reproductive autonomy of the plaintiff through
14 force, threat of force, or intimidation, including placing unreasonable pressure
15 on the plaintiff to become pregnant, deliberately interfering with the plaintiff's
16 contraceptive use or access to reproductive health information, or using
17 coercive tactics to control or attempt to control pregnancy outcomes.

18 (C) "Coercive controlling behavior" does not include:

19 (i) conduct taken by a plaintiff to protect themselves or the
20 plaintiff's children from the risk of present or future harm; or

21 (ii) constitutionally protected speech.

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

7 (A) the nature of the relationship;

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

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

10 (D) the length of time since the relationship was terminated, if
11 applicable.

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

16 ~~(4)~~(5) “Other state” and “issuing state” shall mean any state other than
17 Vermont and any federally recognized Indian tribe, territory or possession of
18 the United States, the Commonwealth of Puerto Rico, or the District of
19 Columbia.

20 ~~(5)~~(6) A “protection order” means any injunction or other order issued
21 for the purpose of preventing violent or threatening acts or harassment against,

1 or contact or communication with or physical proximity to, another person,
2 including temporary and final orders issued by civil and criminal courts, other
3 than support or child custody orders, whether obtained by filing an
4 independent action or as a pendente lite order in another proceeding ~~so long as,~~
5 provided that any civil order was issued in response to a complaint, petition, or
6 motion filed by or on behalf of a person seeking protection.

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

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2024.

10
11
12
13
14
15
16
17

(Committee vote: _____)

Representative _____
FOR THE COMMITTEE