

1 H.35

2 Introduced by Representative Rachelson of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Crimes; Victims Assistance Program

6 Statement of purpose of bill as introduced: This bill proposes to move the
7 Victims Assistance Program from the Center for Crime Victim Services to the
8 Department of State's Attorneys and Sheriffs, to make changes to the services
9 provided to victims under the Program, and to change the name to the Victim
10 Advocate Program.

11 An act relating to the Victims Assistance Program

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 13 V.S.A. § 5304 is amended to read:

14 § 5304. ~~VICTIMS ASSISTANCE~~ VICTIM ADVOCATE PROGRAM

15 (a) The ~~Center for Crime Victim Services~~ Department of State's Attorneys
16 and Sheriffs shall ~~create and~~ maintain a ~~Victims Assistance~~ the Victim
17 Advocate Program. Except as otherwise provided by law, victim advocates
18 shall provide victims the following services:

19 (1) Information. Victims shall be informed as to the level of protection
20 available, procedures to be followed in order to receive applicable witness fees,

1 the right to seek restitution as an element of the final disposition of the case,
2 and the right to appear at sentencing in accordance with section 7006 of this
3 title.

4 (2) Notification. Victims shall be notified in a timely manner when a
5 court proceeding involving their case is scheduled to take place and when a
6 court proceeding to which they have been summoned will not take place as
7 scheduled. Victims shall also be notified as to the final disposition of the case
8 and shall be notified of their right to request notification of a person's release
9 or escape under section 5305 of this title. Notwithstanding this subdivision,
10 the notification rights of victims of delinquent acts are governed by 33 V.S.A.
11 chapters 52 and 52A.

12 (3) Services. Victims shall be entitled to:

13 (A) receive ~~short-term counseling and~~ support from the victim
14 advocate and referrals for further services;

15 (B) ~~assistance~~ information and guidance in obtaining financial
16 assistance and minimizing loss of pay or other benefits resulting from
17 involvement in the criminal justice process;

18 (C) ~~assistance~~ information and guidance in documenting and
19 preparing requests for restitution and insurance reimbursement;

1 (D) assistance in obtaining protection through local law enforcement
2 agencies from harm and threats of harm arising out of their cooperation with
3 the court system;

4 (E) assistance in the return of property from law enforcement
5 agencies; and

6 (F) assistance and support in dealing with law enforcement agencies;
7 ~~and~~

8 ~~(G) transportation as needed to court proceedings.~~

9 (b) A victim may decline any service provided by the ~~Victims Assistance~~
10 Victim Advocate Program under this section.

11 Sec. 2. 13 V.S.A. § 5306 is amended to read:

12 § 5306. VICTIM ADVOCATES

13 ~~In order to carry out the provisions of the Victims Assistance Program,~~
14 State's Attorneys are authorized to hire victim advocates ~~who shall serve at~~
15 ~~their pleasure unless otherwise modified by a collective bargaining agreement~~
16 ~~entered into pursuant to 3 V.S.A. chapter 27. Nothing in this section shall be~~
17 ~~construed to limit the subjects for bargaining pursuant to 3 V.S.A. § 904~~
18 Victim advocates shall provide services in accordance with job descriptions
19 established and maintained by the Department of State's Attorneys and
20 Sheriffs.

- 1 Sec. 3. EFFECTIVE DATE
- 2 This act shall take effect on passage.