

1 H.35

2 Representative Rachelson of Burlington moves that the bill be amended by
3 striking out all after the enacting clause and inserting in lieu thereof the
4 following:

5 * * * Authority for Victim Advocate Program * * *

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

7 § 5304. ~~VICTIMS ASSISTANCE~~ VICTIM ADVOCATE PROGRAM

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

12 (1) Information. Victims shall be informed as to the level of protection
13 available, procedures to be followed in order to receive applicable witness fees,
14 the right to seek restitution as an element of the final disposition of the case,
15 and the right to appear at sentencing in accordance with section 7006 of this
16 title.

17 (2) Notification. Victims shall be notified in a timely manner when a
18 court proceeding involving their case is scheduled to take place and when a
19 court proceeding to which they have been summoned will not take place as
20 scheduled. Victims shall also be notified as to the final disposition of the case
21 and shall be notified of their right to request notification of a person's release

1 or escape under section 5305 of this title. Notwithstanding this subdivision,
2 the notification rights of victims of delinquent acts are governed by 33 V.S.A.
3 chapters 52 and 52A.

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

5 (A) receive ~~short term counseling and~~ support from the victim
6 advocate and referrals for further services;

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

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

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

15 (E) assistance in the return of property from law enforcement
16 agencies; and

17 (F) assistance and support in dealing with law enforcement agencies;
18 and

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

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

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

2 § 5306. VICTIM ADVOCATES

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

11 * * * Sunset of Authority for Victim Advocate Program * * *

12 Sec. 3. 13 V.S.A. § 5304 is amended to read:

13 § 5304. VICTIM ADVOCATE PROGRAM

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

18 (1) Information. Victims shall be informed as to the level of protection
19 available, procedures to be followed in order to receive applicable witness fees,
20 the right to seek restitution as an element of the final disposition of the case,

1 and the right to appear at sentencing in accordance with section 7006 of this
2 title.

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

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

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

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

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

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

1 (E) assistance in the return of property from law enforcement
2 agencies; ~~and~~

3 (F) assistance and support in dealing with law enforcement agencies;
4 and

5 (G) transportation as needed to court proceedings.

6 (b) A victim may decline any service provided by the Victim Advocate
7 Program under this section.

8 Sec. 4. 13 V.S.A. § 5306 is amended to read:

9 § 5306. VICTIM ADVOCATES

10 In order to carry out the provisions of the Victim Advocate Program, State's
11 Attorneys are authorized to hire victim advocates who shall serve at their
12 pleasure unless otherwise modified by a collective bargaining agreement
13 entered into pursuant to 3 V.S.A. chapter 27. Nothing in this section shall be
14 construed to limit the subjects for bargaining pursuant to 3 V.S.A. § 904.

15 Victim advocates shall provide services in accordance with job descriptions
16 established and maintained by the Department of State's Attorneys and
17 Sheriffs.

18 * * * Effective Dates * * *

19 Sec. 5. EFFECTIVE DATES

20 (a) This section and Secs. 1 and 2 shall take effect on passage.

21 (b) Secs. 3 and 4 shall take effect on July 1, 2025.