



Vermont Center for Crime Victim Services
58 South Main Street, Suite 1
Waterbury, VT 05676-1599
www.ccvv.vermont.gov

[phone] 802-241-1250
[phone] 800-750-1213
[fax] 802-241-1253

TO: Members of the Vermont House Judiciary Committee
FROM: Jennifer Poehlmann, JD
Executive Director, Vermont Center for Crime Victim Services
RE: S.58: An Act Relating to Public Safety
DATE: April 18, 2024

The Vermont Center for Crime Victim Services supports S.58 as passed the Senate.

The Center is confining its remarks to Section 1 and Section 2 of the Bill, while issuing a general comment in support of the provisions related to illegal substances and dispensing with death resulting.

Section 1:

The Center supported the inclusion of the three additional crimes to 33 VSA §5201 as passed the Senate, specifically:

- Using a firearm while committing a felony in violation of 13 VSA §4005 (or an attempt)
- Trafficking a regulated drug in violation of 18 VSA chp. 84, subchapter 1 (or an attempt);
- Aggravated stalking as defined in 13 VSA §1063(a)(3) (or an attempt).

As you heard from Attorney Lueders-Dumont, this was a proposal that was offered to the Sentencing Commission back in October on behalf of the Department of State’s Attorneys and Sheriffs, their Executive Committee, the Department of Public Safety and the Center. The Office of the Attorney General subsequently voted in concurrence with this expansion. This proposal reflected what had passed the Senate last session within S.4. The Center, in its individual testimony before Senate Judiciary on S.58, also supported raising the age for these crimes from 14 to 16.

With respect to the inclusion of additional crimes, I intend **to focus my testimony on aggravated stalking; I have included the actual statute for reference on the Committee’s page** so that you can review the specific elements involved that must be proven.

In my many conversations with prosecutors and state’s attorney victim advocates over the years, stalking has repeatedly been identified as one of, if not the, most difficult situations to charge and further, to achieve a conviction on. The Office for Victims of Crime has noted that individuals



who are 18 to 24 experience the highest rate of stalking, and that stalking has been identified as a risk factor for severe and even lethal violence.

In fact, the strong connection between lethality and stalking was recently referenced in this Committee during testimony and discussion concerning Act 11 (H.41) in 2023. While Act 11 was passed to extend restorative options to victims and survivors of domestic and sexual violence, stalking was intentionally excluded. This was also a recommendation included in the “Final Report to the General Assembly of the Restorative Justice Study Committee Issued Pursuant to Act 146 of 2018”. Specifically, in recommending against the inclusion of stalking, the Committee noted “the strong relationship between lethality and stalking predation.”

It is important to note the testimony of Attorney Lueders-Dumont concerning the more immediate response the criminal justice process can provide relative to addressing safety concerns. A case that arises to the level of aggravated stalking absolutely presents well-documented risks for the targeted victims, which need to be addressed without delay.

Stalking is a very unique and complex crime, where a specific person is intentionally targeted. As noted, the recommendation pertains only to aggravated stalking, and not “simply” stalking. The Center respectfully requests that the Committee consider the inclusion of this crime within 33 VSA §5201, and also supports the threshold age of 16.

Section 2:

The Center did not oppose striking burglary into an occupied dwelling, as defined in 13 VSA §1201(c). Understanding the Legislature’s concern with expanding the “Big 12”, and also frequently stated concerns about the broadening of what an “occupied dwelling” actually means, we felt it made more sense to include aggravated stalking.

Drug Crimes:

Finally, with respect to the improvements to the “Drug Crimes” sections, having worked with many survivors over the years whose loved ones have died from accidental overdoses and “dispensing with death resulting”, I simply want to thank the Committee for addressing this issue and taking it seriously, with respect and compassion for those who have struggled and who have died.





Vermont Center for Crime Victim Services
58 South Main Street, Suite 1
Waterbury, VT 05676-1599
www.ccvs.vermont.gov

[phone] 802-241-1250
[phone] 800-750-1213
[fax] 802-241-1253

Currently, I have been in contact with Penny Thibault, whose sons were both found dead on their porch from a fentanyl overdose. As you will see from Penny's letter and the article I included on the Committee's page written by Vt Digger, the individual charged and convicted was a known dealer who received almost no time in connection with his actions. While what you are considering now cannot change the past, it gives hope for many who have experienced the ultimate loss that there is hope for the future.

Thank you for your work and for considering our recommendations.

