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H.27

2 An act relating to coercive controlling behavior and abuse prevention orders

3 The Senate proposes to the House to amend the bill by striking out all after

4 the enacting clause and inserting in lieu thereof the following:

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

6 § 1101. DEFINITIONS

7 ~~The following words as used in this chapter shall have the following~~

8 ~~meanings~~ As used in this chapter:

9 (1) “Abuse” means:

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

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

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

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

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

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

19 (B) coercive controlling behavior between family or household
20 members.

1 (2) “Coercive controlling behavior” means a pattern of behavior that in
2 purpose or effect unreasonably interferes with a person’s free will and personal
3 liberty. “Coercive controlling behavior” includes unreasonably engaging in
4 any of the following:

5 (A) isolating the family or household member from friends, relatives
6 or other sources of support;

7 (B) depriving the family or household member of basic necessities;

8 (C) controlling, regulating or monitoring the family or household
9 member’s movements, communications, daily behavior, finances, economic
10 resources, or access to services;

11 (D) compelling the family or household member by force, threat or
12 intimidation, including threats based on actual or suspected immigration status,
13 to:

14 (i) engage in conduct from which such family or household
15 member has a right to abstain; or

16 (ii) abstain from conduct that such family or household member
17 has a right to pursue;

18 (E) committing or threatening to commit cruelty to animals that
19 intimidates the family or household member; or

1 (F) forced sex acts or threats of a sexual nature, including threatened
2 acts of sexual conduct, threats based on a person’s sexuality, or threats to
3 release sexual images.

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

10 (A) the nature of the relationship;

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

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

13 (D) the length of time since the relationship was terminated, if
14 applicable.

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

19 ~~(4)~~(5) “Other state” and “issuing state” shall mean any state other than
20 Vermont and any federally recognized Indian tribe, territory or possession of

1 the United States, the Commonwealth of Puerto Rico, or the District of
2 Columbia.

3 ~~(5)~~(6) A “protection order” means any injunction or other order issued
4 for the purpose of preventing violent or threatening acts or harassment against,
5 or contact or communication with or physical proximity to, another person,
6 including temporary and final orders issued by civil and criminal courts, other
7 than support or child custody orders, whether obtained by filing an
8 independent action or as a pendente lite order in another proceeding ~~so long as,~~
9 provided that any civil order was issued in response to a complaint, petition, or
10 motion filed by or on behalf of a person seeking protection.

11 ~~(6)~~(7) [Repealed.]

12 Sec. 2. EFFECTIVE DATE

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