

1 H.669

2 Introduced by Representative Grad of Moretown

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; victims' compensation board; applications for
6 compensation; confidentiality

7 Statement of purpose: This bill proposes to make confidential the documents
8 which the victims' compensation board considers when it approves an
9 application for compensation. The bill also proposes to create a rebuttable
10 presumption that, when restitution is sought for the victims' compensation
11 fund, the amount of compensation ordered to the victim by the victims'
12 compensation board constitutes the victim's unreimbursed pecuniary loss.

13 An act relating to confidentiality of applications for compensation to the
14 victims' compensation board

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

16 Sec. 1. 13 V.S.A. § 5360 is added to read:

17 § 5360. APPLICATION INFORMATION; CONFIDENTIALITY

18 (a) All documents reviewed by the victims' compensation board for
19 purposes of approving an application for compensation shall be confidential
20 and shall not be disclosed except as provided in this section.

1 (b) If ordered to do so by the court, the victims' compensation board may
2 disclose documents it reviewed for purposes of approving an application for
3 compensation, provided that the board shall keep confidential and not disclose
4 the following information:

5 (1) the victim's residential address, telephone number, or any other
6 contact information;

7 (2) the victim's employer's name, telephone number, address, or any
8 other contact information;

9 (3) the victim's medical or mental health provider's name, telephone
10 number, address, or any other contact information;

11 (4) the victim's Social Security number; and

12 (5) any medical or mental health information about the victim.

13 (c)(1) A court may order the victims' compensation board to submit an
14 affidavit setting forth the following information:

15 (A) whether the board approved an application for compensation;

16 (B) the process used to adjudiate the application for compensation;

17 (C) the total unreimbursed pecuniary loss the board determined that
18 the victim incurred;

19 (D) a list of documents the board considered for purposes of
20 adjudicating the victim's application for compensation and calculating the
21 victim's unreimbursed pecuniary loss;

1 (E) an itemized list of payments the board made on behalf of the
2 victim, which shall include the date of any services received by the victim, the
3 professional affiliation of the provider, and the date, amount, and type of
4 payment.

5 (2) An affidavit submitted pursuant to this subsection shall be
6 admissible in evidence, and in-court testimony by the affiant shall not be
7 required.

8 (d) A person may file a motion requesting the court to disclose information
9 designated confidential by the victims' compensation board pursuant to
10 subsection (a) of this section. The court shall order disclosure of the
11 documents if it finds that, after reviewing the documents in camera, failure to
12 disclose them will unduly prejudice the moving party. The court may issue a
13 protective order prohibiting dissemination of the documents to any person
14 other than the state and the moving party if such an order would not cause
15 undue prejudice to the moving party.

16 Sec. 2. 13 V.S.A. § 5360a is added to read:

17 § 5360a. RESTITUTION FOR VICTIMS' COMPENSATION FUND;

18 REBUTTABLE PRESUMPTION

19 When restitution is sought for the victims' compensation fund, it shall be a
20 rebuttable presumption that the amount of compensation ordered to the victim

1 by the victims' compensation board constitutes the victim's unreimbursed
2 pecuniary loss.

3 Sec. 3. 1 V.S.A. § 317 is amended to read:

4 § 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND
5 DOCUMENTS

6 * * *

7 (c) The following public records are exempt from public inspection and
8 copying:

9 * * *

10 (40) ~~Records~~ records of genealogy provided in support of an application
11 for tribal recognition pursuant to chapter 23 of this title;

12 (41) documents reviewed by the victim's compensation board for
13 purposes of approving an application for compensation pursuant to 13 V.S.A.
14 chapter 167.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on passage.