

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 533
3 entitled “An act relating to victim notification” respectfully reports that it has
4 considered the same and recommends that the bill be amended by striking out
5 all after the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. 13 V.S.A. § 5305 is amended to read:

7 § 5305. INFORMATION CONCERNING RELEASE FROM
8 CONFINEMENT

9 (a) Victims, other than victims of acts of delinquency, and affected persons
10 shall have the right to request notification by the agency having custody of the
11 defendant before the defendant is released, including a release on bail or
12 conditions of release, furlough or other community program, upon termination
13 or discharge from probation, or whenever the defendant escapes, is recaptured,
14 dies, or receives a pardon or commutation of sentence. Notice shall be given
15 to the victim or affected person as expeditiously as possible at the address or
16 telephone number provided to the agency having custody of the defendant by
17 the person requesting notice. Any address or telephone number so provided
18 shall be kept confidential.

19 (b)(1) If the defendant is released back into the community on conditions of
20 release after arrest, the investigating law enforcement agency shall inform the
21 victim of a listed crime of the conditions of release.

1 (2) If the defendant is released on conditions at arraignment, the
2 prosecutor's office shall inform the victim of a listed crime of the conditions of
3 release.

4 (c) If requested by a victim of a listed crime, the ~~department of corrections~~
5 Department of Corrections shall:

6 (1) at least 30 days before a parole board hearing concerning the
7 defendant, inform the victim of the hearing and of the victim's right to testify
8 before the parole board or to submit a written statement for the parole board to
9 consider; and

10 (2) promptly inform the victim of the decision of the parole board,
11 including providing to the victim any conditions attached to the defendant's
12 release on parole.

13 (d) If the defendant is released from the custody of the Vermont
14 Department of Mental Health, the Department shall notify the State's
15 Attorney's office before the defendant is released for the purpose of victim
16 notification by the State's Attorney's office.

17 Sec. 2. 13 V.S.A. § 5314 is amended to read:

18 § 5314. INFORMATION FROM LAW ENFORCEMENT AGENCY

19 * * *

1 (b) Information to victims of listed crimes. As soon as practicable, the law
2 enforcement agency shall use reasonable efforts to give to the victim of a listed
3 crime, as relevant, all of the following:

4 (1) Information as to the accused's identity unless inconsistent with law
5 enforcement purposes.

6 (2) Information as to whether the accused has been taken into custody.

7 (3) The file number of the case and the name, office street address, and
8 telephone number of the law enforcement officer currently assigned to
9 investigate the case.

10 (4) The prosecutor's name, office street address, and telephone number.

11 (5) An explanation that no individual is under an obligation to respond
12 to questions which may be asked outside a courtroom or deposition.

13 (6) Information as to the accused's conditions of release if the accused is
14 released back into the community on conditions after his or her arrest.

15 Sec. 3. EFFECTIVE DATE

16 This act shall take effect on passage.

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18 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE