

## Vermont Council on Domestic Violence

**To:** Rep. Maxine Grad, Chair  
Rep. Willem Jewett, Vice-Chair  
Members of the House Committee on Judiciary

**From:** Heather Holter, Coordinator, Vermont Council on Domestic Violence  
**Re:** H. 818  
**Date:** February 12, 2016

I am writing to make you aware of the support of The Vermont Council on Domestic Violence (Council) for H. 818, a bill proposing to amend the definitions related to civil orders of protection against stalking and sexual assault and the criminal stalking law, and to establish prohibited defenses in a criminal stalking case.

There is a correlation between stalking and domestic violence, as the majority of female victims of stalking are stalked by a former or current intimate partner.<sup>1</sup> However, many victims of stalking have not engaged in a relationship with the stalker, and these victims also require access to safety. The Council also supports amendments that would connect the stalking relief from abuse order statute to criminal statute in order to ensure the same protections are available to victims in civil and criminal processes.

The Council supports a clarification to the language in the criminal stalking statute such that an offense is not dependent upon physical threat and amends the definition of course of conduct. These changes are critical, as research by the National Center for Victims of Crime has shown that "New, affordable technology has fundamentally and profoundly changed the way stalkers monitor and initiate contact with their victims. A stalker no longer needs to be in close proximity to his victim to monitor or surveil her."<sup>2</sup>

Changes to the Vermont definition of "course of conduct" will bring it into line with model stalking laws, allowing law enforcement to act before the stalking behavior intensifies. These amendments are necessary in order to ensure that every victim of stalking and sexual assault in Vermont receives the protection he/she deserves.

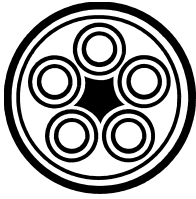
Research and understanding of the crime of stalking continues to grow and change, as do the ways in which a perpetrator may stalk a victim. The Council commends the legislature for responding to the need to update and improve Vermont statutes to enable an effective criminal justice response to stalking. These amendments will further serve to hold offenders accountable for stalking *before* this behavior results in serious injury or death.

### **Council History**

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<sup>1</sup> Matthew J. Breiding et al., "Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization - National Intimate Partner and Sexual Violence Survey, United States, 2011", Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report, Vol. 63, No. 8 (2014)

<sup>2</sup> <http://www.victimsofcrime.org/docs/default-source/src/model-stalking-code.pdf?sfvrsn=12>



## Vermont Council on Domestic Violence

In 2008, VT statute 15 VSA chapter 21, subchapter 4, 1171-1173 created the Vermont Council on Domestic Violence (Council) with broad representation from state and community stakeholders in order to coordinate statewide responses to domestic violence. The Council makes recommendations for changes in state programs, laws, administrative regulations, policies, and budgets related to domestic violence. I have attached basic information about the Council.

### **Council Decision**

The Council on Domestic Violence is a large group, and the diversity and breadth of members' experience is what makes the Council unique. It may also be notable that the Council makes our decisions using a consensus model—placing an integral emphasis on gathering and sharing information, rich discussion, and debate. There were 27 Council members present on December 2, 2015 and 22 members agreed to support this amendment. Five members “stood aside” from the vote, due to the limitations imposed for members representing State agencies or the Judiciary.<sup>3</sup> There were no members in disagreement.

### **Council Position**

The Council supports H. 818

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<sup>3</sup> *Stand Asides*: Hon. Barb Zander (Family Court), Ellie Breitmaier (VT Dept. for Children and Families), Rick Bates (VT Dept. Of Corrections), Kathleen Pearl (Court Clerk), Bob Sheil (VT Defender General's Office).